The Library of Congress’

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

AT THE ANNUAL SESSION OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA;

BEGUN AND HELD IN THE CITY OF TUSCALOOSA, ON THE
FIRST MONDAY IN NOVEMBER, 1840.

Tuscaloosa:
HALE & PHELAN, PRINTERS.
. . . .
1841.

B B B B BB / 1841 [illegible]caloosa

1841 - Nov

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

TUSCALOOSA, November 2, 1840.

This day being the second day of November, in the year of our Lord, one thousand eight hundred and forty, and the day fixed by law for the meeting of the General Assembly of the State of Alabama, the members of the House of Representatives, appeared in the Representative Hall of the State Capitol, in the city of Tuscaloosa, viz:

FROM THE COUNTY OF AUTAUGA—Benjamin Davis.
BALDWIN—Gerald B. Hall.
BARBOUR—J. W. Mann, William T. Shanks.
BENTON—Thomas A. Walker, J. T A. Hughs, Stephen Kelly.
BIBB—David E. Davis, S W. Davidson.
BLOUNT—Ira E McMillion, Godfrey Fowler.
BUTLER—W. H Crenshaw, Edward Bowen
CHAMBERS—Charles McLemore, Leroy McCoy.
CHEROKEE—John H. Garrett, W. C. Hale.
CLARKE —W. F. Jones.
CONECUH --W A. Bell.
COOSA—W. W. Morris.
COVINGTON—Laird B. Flemming.
DALLAS—William H. Norris, Daniel H. Norwood.
DE KALB—William O. Winston, Andrew Wilson.
FAYETTE—E. Marchbanks, Wilson Cobb.
FRANKLIN—Benjamin Reynolds, Elijah McCullough, R A. Baker.
GREENE—Solomon McAlpin, Wm. M. Murphy, E Young.
HENRY—Alexander Blackshear, James Pynes.
JACKSON—E. W. Williams. Joshua Wann. G. R Griffin, James Smith.
JEFFERSON—L. G. McMillion, Jeremiah Randolph.
LAWRENCE—S. W. Walker, James E. Saunders, Hartwell King.
LAUDERDALE—H. D. Smith, J. R. Alexander, J. Douglass.
LIMESTONE—John H. I. Wynn, Nathaniel Davis.
LOWNDES—J. S. Hunter.
MADISON—David Moore, Thos. V. Provence, Samuel Walker.
MARENGO—James M. Davenport.

Marion—Thomas C. Moore.
Marshall—William M. Griffin, James M. Adams.
Mobile—C. C. Langdon, A. C. Hollinger, Thomas M. C. Prince, J. Bates.
Monroe—E. T. Broughton, Leroy A. Kidd.
Morgan—Milton McClanahan, Charles E. B. Strode.
Montgomery—J. J. Hutchinson, M. Ashurst.
Perry—John Barron, Wm. Seawell, A. Q. Bradley.
Pickens—W. McGill, J. Spruill, J. Peterson.
Pike.—L. R. Simmons, S. Dixon.
Randolph—F. F. Adrian.
Russell—B. S. Mangum.
Shelby—Wade H. Griffin, Wm. J. Peters.
St Clair—Oran M. Roberts.
Sumter—Wm. M. Inge; John A. Winston.
Talladega—Geo Hill, Samuel F. Rice.
Tallapoosa—Charles Stone.
Tuscaloosa—R. Jemison, Jr. James G. Blount, H. Perkins, Jabez Mitchell.
Walker—E. Mallard.
Washington—S. S. Houston.
Wilcox—C. M. Peguese.

On motion of Mr Baker, Mr Moore of Madison, was called to the Chair, and William Garrett, appointed Clerk, *pro tem.*

The oaths prescribed by the constitution, as also the duelling oath, was administered to the members present, by the Secretary of State.

The House proceeded to the election of a Speaker—Samuel Walker and Elisha Young, being in nomination.

Those who voted for Mr Walker, are Messrs Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Province, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B Walker of L. Wann, Williams, Wilson, Winston of D. Winston of S. and Wynn—49.

Those who voted for Mr Young, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Mangum, Mann, McAlpin, McCoy, McGill, Mitchell, McLemore, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Simmons and Spruill—41.

The Honorable Samuel Walker having received a majority of the whole number of votes given, Mr Chairman declared him duly elected Speaker of the House of Representatives for the present session: He was conducted to the chair by Messrs Wynn and Williams; made his acknowledgments to the House for the honor conferred; was qualified, and entered upon the discharge of the duties of his office.

The House next proceeded to the election of a Principal Clerk—William Garrett and Hiram Hemphill, in nomination.

Those who voted for Mr Garrett, are Messrs Speaker, Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Simmons, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn—51.

Those who voted for Mr HEMPHILL, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Spruill and Young—41.

Mr GARRETT having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Principal Clerk of this House; he was qualified, and entered upon the discharge of the duties of his office.

The House next proceeded to the election of a Doorkeeper—JOHN TAROM alone in nomination, and having received ninety-one votes, that being the whole number given, Mr Speaker declared him duly elected Doorkeeper to this House; he was qualified, and entered upon the discharge of the duties of his office.

The House next proceeded to the election of an Assistant Clerk—JOSEPH PHELAN and GEORGE B. SAUNDERS, being in nomination.

Those who voted for Mr. PHELAN, are Messrs. Speaker, Adams, Adrian, Alexander, Baker, Blackshear. Cobb, Davis of A. Davis of L Dixon, Douglass, Fowler, Garrett, Griffin of J., Griffin of M. ~~Hale,~~ Hill, Houston, Hughs, Jones, Kelly, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Simmons, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn--51.

Those who voted for Mr. SAUNDERS, are Messsrs Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Spruill and Young—41.

Mr PHELAN having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Assistant Clerk of this House: he was qualified, and entered upon the discharge of the duties of his office.

The House next proceeded to the election of an Engrossing Clerk—M. E. FOWLER, WILSON C. BIBB, E. HENRY, SYLVESTER JONES and JAMES CHESNEY, being in nomination.

Those who voted for Mr FOWLER, are Messrs Adrian, Blackshear, Cobb, Dixon, Fowler, Hughs, King, Mallard, Marchbanks, McClanahan, McMillion of J. Moore of Marion, Pynes, Saunders, Stone, Strode, Walker of B. Walker of L. Wilson—20

Those who voted for Mr BIBB, are Messrs Speaker, Adams, Alexander, Davis of A. Davis of L. Douglass, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston. Jones, Kelly, McCullough, McMillion of B. Moore of Mad. Morris, Provence, Randolph, Reynolds, Rice, Roberts, Smith of J. Smith of L. Wann, Williams, Winston of DeK. Winston of S. and Wynn—30.

Those who voted for Mr HENRY, are Messrs Ashurst, Barron, Bates, Bell

Bowen, Bradley, Crenshaw, Davidson, Davis of B. Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Langdon, Mangum, McAlpin, McCoy, McGill, McLemore, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Spruill and Young—32.

Those who voted for Mr JONES, are Messrs Broughton, Davenport, Inge, Mann, Murphy and Simmons—6.

Those who voted for Mr CHESNEY, are Messrs Blount, Jemison, Kidd and Mitchell.

Neither having received a majority of the whole number of votes given, the House proceeded to vote a second time; the names of Messrs FOWLER, JONES, and CHESNEY, having been withdrawn.

Those who voted for Mr BIBB, are Messrs Speaker, Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Keily. King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Winston of DeK. Winston of S. and Wynn—50.

Those who voted for Mr HENRY, are Messrs. Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Flemming, Hunter, Hutchinson, Inge, Kidd. Langdon, Mangum, Mann, McAlpin, McCoy, McGill. McLemore, Mitchell, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Simmons, Spruill, and Young.—41.

Mr BIBB. having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Engrossing Clerk of this House; he was qualified, and entered upon the discharge of the duties of his office.

The House next proceeded to the election of Messenger—JOSEPH STROUP, LEVI J. TAYLOR, WINSTON B. FERGUSON, BENJAMIN WILLIAMSON and JAMES H. OWEN, in nomination.

Those who voted for Mr STROUP, are Messrs Baker, Blackshear, Davis of A. Dixon, King, McClanahan, Moore of Madison, Morris, Peters, Pynes, Saunders, Strode and Walker of L —13.

Those who voted for Mr TAYLOR, are Messrs Speaker, Cobb, Davis of L. Douglass, Hunter, Mallard, Marchbanks, Moore of Marion, Stone and Winston of Sumter.—10.

Those who voted for Mr. FERGUSON, are Messrs Adams, Fowler, Griffin of J. Griffin of M. Hale, Hill, Houston, Jones, McMillion of B. McMillion of J. Randolph, Rice, Smith of J. Wann, Williams, Wilson and Winston of DeK.—17.

Those who voted for Mr. WILLIAMSON, are Messrs Ashurst, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davidson, Davis of B. Flemming, Griffin of S. Hall, Hutchinson, Inge, Jemison, Kidd, Langdon, Mangum, Mann, McCoy, McGill, McLemore, Mitchell, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young.—35.

Those who voted for Mr. OWEN, are Messrs Adrian, Alexander, Barron, Davenrort, Garrett, Hollinger, Hughs, Kelly, McAlpin, McCullough, Murphy, Provence, Reynolds, Roberts, Smith of L. Walker of B. and Wynn.—17.

Neither having received a majority of the whole number of votes given, the House proceeded to vote a second time.

Those who voted for Mr. **Stroup**, are Messrs Dixon, King, McClanahan, Morris, Saunders, Strode and Walker of L.—7.

Those who voted for Mr. **Taylor**, are Messrs Cobb, Davis of A. Hunter, Mallard, Marchbanks and Moore of Marion.—6.

Those who voted for Mr. **Ferguson**, are Messrs Adams, Fowler, Griffin of J. Griffin of M. Hale, Hill, Houston, Jones, McMillion of B. McMillion of J. Randolph, Rice, Smith of J. Wann, Williams, Wilson and Winston of DeK. —17.

Those who voted for Mr. **Williamson**, are Messrs Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davidson, Davis of B. Flemming, Griffin of S. Inge, Jemison, Kidd, Mangum, Mann, McGill, McLemore, Mitchell, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young.—28.

Those who voted for Mr. **Owen**, are Messrs Speaker, Adrian, Alexander, Ashurst, Baker, Barron, Blackshear, Davenport, Davis of L. Douglass, Garrett, Hall, Hollinger, Hughs, Hutchinson, Kelly, Langdon, McAlpin, McCoy, McCullough, Moore of Mad. Murphy, Norris, Norwood, Peters, Provence, Pynes, Reynolds, Roberts, Smith of L. Stone, Walker of B. Winston of S. and Wynn.—34.

Neither having received a majority of the whole number of votes given, the House proceeded to vote the third time—the names of Messrs **Stroup**, **Taylor** and **Williamson**, having been withdrawn.

Those who voted for Mr. **Ferguson**, are Messrs Adams, Dixon, Fowler, Griffin of J. Griffin of M. Hale, Hill, Houston, Jones, Mallard, McMillion of B. McMillion of J. Randolph, Rice, Strode, Wann, Williams, Wilson, Winston of DeK. and Winston of S.—21.

Those who voted for Mr. **Owen**, are Messrs Speaker, Adrian, Alexander, Ashurst, Baker, Barron, Bates, Bell, Blackshear, Blount, Bowen, Bradley, Broughton, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Douglass, Flemming, Garrett, Griffin of S. Hall, Hollinger, Hughs, Hunter, Hutchinson Inge, Jemison, Kelly, Kidd, King, Langdon, Mangum, Mann, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore, Mitchell, Moore of Mad. Moore of Marion, Morris, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Provence, Pynes, Reynolds, Roberts, Saunders, Seawell, Shanks, Simmons, Smith of L. Spruill, Stone, Walker of B. Walker of L. Wynn and Young.—70.

Mr. **Owen** having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Messenger to this House; he was qualified, and entered upon the discharge of the duties of his office.

On motion of Mr Davis of A.

Resolved, That the Senate be informed that the House of Representatives have organized by electing the Hon. Samuel Walker, Speaker; William Garrett, Principal Clerk; Joseph Phelan, Assistant Clerk; Wilson C. Bibb, Engrossing Clerk; John Tatom, Doorkeeper; and James H. Owen, Messenger; and are now ready to proceed to business.

On motion of Mr McClanahan,

Resolved, That the rules adopted for the House of Representatives at the last session, be adopted until otherwise ordered.

And then the House adjourned until to-morrow morning ten o'clock.

TUESDAY, November 3d, 1840.

The House met pursuant to adjournment.

Mr Speaker laid before the House a communication from the President of the Branch of the Bank of the State of Alabama, at Mobile, accompanied by reports from the Cashier, of the state and condition of said Bank; which were read and ordered to lie upon the table.

Message from the Senate:

Mr Speaker—I am directed by the Senate to inform the House of Representatives, that the Senate has organized by electing the Hon. James L. F. Cottrell, of Lowndes county, President; Pleasant Hill, Secretary; Madison Gordon, Assistant Secretary; William S. Taylor, Doorkeeper, and is now to proceed to business.

Which was ordered to lie upon the table.

Mr Speaker laid before the House the Comptroller's report on the contingent fund, which was read, laid upon the table, and two hundred copies thereof, ordered to be printed.

Message from the Senate by Mr Hill:

Mr Speaker—The Senate has adopted the following resolution:

Resolved, That there be a committee appointed on the part of the Senate to act jointly with such committee as may be appointed by the House of Representatives, to wait on His Excellency, the Governor, and inform him that the two Houses are organized, and are now ready to receive any communication His Excellency may think proper to make to them: and have appointed as a committee, on the part of the Senate, Messrs McVay, Terry, and Rice.

In which the House concurred: whereupon Messrs Wynn, Moore of Mad. and Mallard were appointed a committee on the part of the House. Ordered, that the clerk acquaint the Senate therewith.

Mr Speaker laid before the House, the decree of the chancery court, held at Mobile, for the first district in the Southern division, divorcing Gertrude Tankersly from her husband Richard Tankersly; which was read and ordered to lie upon the table.

On motion of Mr Davis of A.

Resolved, That one hundred copies of rules of order and decorum for the government of this House, be printed for the use of the members.

On motion of Mr McGill,

Resolved, That the Editors of the Flag of the Union, Independent Monitor, and all other Editors in the State, be invited to take seats within the Hall of the House of Representatives for the purpose of reporting the proceedings of said House.

On motion of Mr Davis of A.

Resolved, That the following standing committees be appointed, viz: A committee on Privileges and Elections: On Roads, Bridges and Ferries: On Ways and Means: On the Military: On Lands appropriated for Internal Improvement: On County Boundaries: On Education: On Accounts: On Divorce and Alimony: On the State Bank and Branches: On the State Capitol: On State Printing: On the Judiciary: On Propositions and Grievances: On Enrolled Bills; and On Inland Navigation.

Mr Wynn from the joint committee appointed on the part of both Houses of the General Assembly to wait on His Excellency, the Governor, and inform him that the two Houses have organized and are now ready to receive any communication His Excellency may see proper to make to them: reported that the committee had performed that duty, and received for answer, that he will make his annual communication in writing, to the respective Houses this day at twelve o'clock.

Which was ordered to lie on the table.

On motion of Mr Mitchell, the House took a recess until half past eleven o'clock.

Half past eleven o'clock, the House re-assembled.

On motion of Mr Morris,

Resolved, That the Secretary of State be requested to transmit to this House the engrossed copy of the Criminal Code for the State, deposited in his office by a resolution of the House of Representatives, at its last session.

Mr Wynn presented the petition of John H. I. Wynn, of Limestone county, administrator upon the estate of David Andrews, deceased, praying the passage of a law to authorize the administrator of David Andrews, deceased, to make a title to real estate; which was read, and on motion of Mr Wynn, ordered to lie upon the table.

Mr Wynn introduced a bill, to be entitled an act to authorize the administrator of David Andrews, deceased, to make a title to real estate; which was read, and ordered to a second reading.

Mr Rice introduced a bill, to be entitled an act for the relief of Sarah A. Harris; which was read, and ordered to a second reading.

On motion of Mr Mitchell,

Resolved, That the public printers for the State, be requested to furnish this House, at as early a day as possible, their accounts for public printing, for the year 1840.

Mr Spruill, presented the petition of the commissioners of the sixteenth section, of township twenty-four, and range two, east, in Pickens county; which was read and referred to a select committee, consisting of the delegation from the county of Pickens.

Mr Roberts, introduced a bill, to be entitled an act to compensate witnesses in certain cases; which was read, and ordered to a second reading.

A message was received from His Excellency, the Governor, by Mr Tunstall, Secretary of State:

EXECUTIVE DEPARTMENT,
Tuscaloosa, Nov. 2d. 1840.

GENTLEMEN OF THE SENATE,
AND OF THE HOUSE OF REPRESENTATIVES:

Many reasons unite in rendering the present session of the General Assembly, one of unusual interest and importance.

In recurring to the history of the current year, it is painful to have occasion to remark, that the hand of disease has fallen heavily upon the population of every section of the State, and some eminent and many valuable citizens have fallen victims to its irresistible sway. It is also a source of additional discouragement, amidst the difficulties under which we are laboring, that the cotton crop, the great staple upon which we rely almost exclusively to relieve ourselves from the present weight of pecuniary embarrassment, will, probably, fall short of the crop of the preceding year at least one third, in consequence of the ravages committed upon it, during the summer and autumn, by a natural enemy of the insect tribe, variously denominated, in different sections, the cut-worm or the army worm.

These calamities, however, lie beyond the reach of human agency or control; and while the former should admonish us of our constant dependence on a higher power for the continuance of existence, and all its attendant blessings; the latter should stimulate us to more vigorous habits of industry, frugality and economy; and both combine to increase our reverence and adoration for Him, without whose superintending providence and direction, individual, or political prosperity is equally unattainable. We should also derive consolation and encouragement from the reflection that, although the hand of misfortune may, for a season, depress our energies and impair or diminish our abilities, it is, most generally, in periods of the darkest adversity, that mankind have, in the highest degree, exhibited those great moral and intellectual qualities, which assert and establish their high capacity for self government, and entitle themselves, by the exhibition and practice of the cardinal virtues of temperance, moderation, firmness and patriotism, to the admiration and gratitude of succeeding ages.

Coming as you do, from the different sections of the State, and familiar, as you doubtless are, with the wants, the wishes and public disposition of our common constituents, you will, of course, be prepared to enter upon the labors of the session, with that intimate knowledge and those enlarged and patriotic views, which are essentially necessary to useful and enlightened legislation. And I flatter myself, that the earnest heretofore given, affords a sufficient guaranty of the most cordial disposition on my part, to co-operate with you, in the accomplishment of such measures, as may be calculated to promote the public good.

Among the subjects most likely to occupy a prominent place in your deliberations, the present condition, and future management of the State Bank system, will not be the least interesting or important.

The intimate connection between this subject and the currency, or what shall constitute the circulating medium, renders it, in my judgment, one of incalculable magnitude, not only in reference to the present condition, but to the future prosperity of the people of this, as well as of the other States of the Union.

From a deliberate and careful examination of the provisions of the federal constitution, with a view to ascertain the powers of the general government in relation to this subject, I came fully to the conclusion, and so expressed myself in the first message I had the honor of submitting to the Legislature, that the federal government possessed no power whatever over the currency, except to coin money and regulate the value thereof. This conclusion is to be deduced not only from the entire absence or omission of any provision in the Constitution of the United States, conferring upon the general government the power, either to regulate the currency, or to supply a paper medium; but from the impressive recollection, that all the States without exception have, from the origin of the government, exercised the power of chartering banks, and of supplying, through the medium of bank notes, a paper circulation, without any attempt on the part of the general government, to prohibit or restrain them. It is true, that the federal constitution prohibits the States from passing any law making any thing but gold and silver a legal tender in the payment of debts. But this provision, so far from giving the banking power to the general government, or withholding it from the States, raises the strongest implication, that the framers of the constitution, aware that the power of chartering banks had been left to the States, were anxious to guard against the abuse of that power, by providing, that bank paper should never be considered as money; thereby furnishing the strongest inducements to those who used it, to make it approximate as nearly as possible, to a proper specie standard.

The power to incorporate banks, and through them to supply a paper medium, is not an incomplete or imperfect one on the part of the States, or one which they may exercise concurrently with the general government.

Our federative system is one of delegated and limited, specified powers to the general government; and of reserved rights and powers to the States. That which has been surrendered, by being delegated to the general government, can never properly be exercised by the States; and that which has not been delegated to the general government, remains with the States respectively, or with the people, and cannot be exercised by the general government, without encroachment on the rights of the States, and a consequent violation of the constitution.

Impelled by an earnest desire to preserve the principles of the compact, to which the States of the Union are parties, from violation, and a determination, so far as depends on me, in performing the part assigned me by the constitution and laws, to guard against any encroachment on the rights of the States, it is extremely desirable that the State Bank system should be placed on such a footing, as would enable it to fulfill the important function of furnishing, within the sphere of its appropriate action, a sound circulating medium, not liable to depreciation in value. This object, so much to be desired, can only be effected, by so regulating and restraining the issues of the banks, as to enable them, at all times, to redeem their bills in specie on demand.

The great question between a purely metallic and a mixed currency, consisting of the precious metals and paper predicated upon, and convertible into them at the pleasure of the holder, seems not to be definitively settled, in the judgment of American statesmen.

Looking to the past, the present, and the future, the inclinations of my own mind are decidedly in favor of a mixed currency, the paper portion of which should always be convertible into gold or silver, at the will of the holder.

One of the great errors most frequently committed, in treating of financial topics, consists in regarding bank notes as money—whereas gold and silver alone are entitled to that appellation; and bank notes are nothing more than promises to pay a given amount in money.

If the question of furnishing a circulating medium were an original one, presented now for the first time, I should, in view of the permanency and stability of the value of property, to guard against the fluctuations and disastrous convulsions in commerce, incidental to the paper banking system, and against the possibility of depreciation in value of the currency itself, incline strongly to a purely metallic currency. But it is to be recollected, that the paper system, in some form or other, is coeval with the existence of the government, and has so entwined itself around all our business habits, that, to interrupt it suddenly, and more especially, to abolish it altogether, would produce a shock, which if it could be borne at all, ought not, in my judgment, to be inflicted. If we are correct in supposing that a mixed currency is best, or, that in the present state of things it is indispensable, the next question which presents itself is, in what manner the paper portion of it can be made at all times convertible into specie, with the greatest certainty, and the least danger of disappointment to the holders.

After full reflection, aided by a careful and respectful examination of several of the most approved theories upon the subject of banking, I am of opinion, that this object might be attained with reasonable certainty, in well managed banking institutions, by never permitting the circulation of a bank to exceed two dollars in paper, for every dollar of specie in its vault, or at such points as the ordinary business of the bank might render it necessary to have it.

Other systems, admitting of a more enlarged circulation in proportion to the amount of specie, *might* enable them to redeem their notes with specie at all times; but the one here indicated, most probably *would*. And I am perfectly free to admit, that after all the light that has been shed upon this important and intricate question, I have never been able to understand the process by which a bank could redeem three dollars, and as not unfrequently happens under existing systems, twenty with one.

The answer to this argument is, that banks are seldom called on to redeem all or any considerable portion of their circulation at, or near the same time. To this it may be replied, that there is scarcely a bank of discount and circulation in the world, which has not at some time or other suspended specie payments for want of ability to redeem its notes; and experience upon this, as well as every other subject, is believed to be a much safer instructor than any theory, however plausible in itself, or gratifying it may be to individual cupidity and avarice; which are believed to be the main pillars which sustain most of the modern theories upon the subject of banking.

It is contended, however, that confidence is to come in aid of capital, and that part of the void which, according to the views here submitted ought to be filled with gold and silver, is to be supplied by confidence.

Confidence is certainly a valuable principle, and one which ought to be cultivated and cherished. It sweetens the intercourse of life, and tends greatly to facilitate commercial dealing. But confidence and capital are not convertible terms. Confidence and credit are, in the ordinary and in the literal sense of the terms, much more nearly so. The only profitable or useful kind of confidence is that which is reposed in the disposition of a man to apply his means to the fulfillment of his engagements. And he who confides in an individual or corporation to pay thrice, or even a greater proportion than such individual or corporation is worth, will almost invariably find his confidence misplaced; as the deeply embarrassed condition of this and almost every other civilized country but too fully attests. The system of two dollars for one would not only afford sufficient security to those who receive Bank notes as the faithful representative of money, but is conceived to be perfectly equitable so far as the Banks themselves are concerned, by enabling them to keep in circulation and realize a profit upon an amount of paper equal to the amount of their capital; while it would effectually guard against those sudden expansions and contractions which operate so ruinously upon commerce, tend to foster a spirit of gambling speculation and render the value of property at all times unsettled and uncertain. It should be recollected too, that the object of our State Banking system, was not so much to enable the Banks to make large profits out of the wants or necessities of the people, but to furnish a circulation commensurate with their reasonable wants, not liable to depreciation in value.

Impressed with the importance and correctness of these views, I earnestly recommend to you the adoption of such measures, as will, as early as practicable, enable the Bank of the State of Alabama and the several Branches thereof, to resume specie payments, and to continue to redeem their notes on demand, without future interruption. The only way of effecting this object is, by bringing and keeping the circulation of the Banks to the standard before stated, and never permitting them, at any time, or under any circumstances to exceed it. The transaction of much too large a portion of their business on long time, is believed to have been fraught with the most pernicious consequences to the borrowers as well as to the banks, and ought in their future operations to be guarded against as far as possible. It would also tend greatly to purify and invigorate the ordinary channels of circulation, to restrain the Banks from issuing any bills of a less denomination than twenty dollars, and in connection therewith to exclude from circulation, by more efficient legislation, those pests of ordinary circulation, individual change bills.

My opinions in relation to the best method of managing the Banks most successfully, and which have undergone no change, have been more than once submitted to the General Assembly; and it is deemed altogether unnecessary to go into further detail of them in this communication.

I am so deeply impressed with the importance of changing the mode of electing the directors, that I should be wanting to a sense of public duty, were I to fail to press it again upon the serious consideration of the General Assembly. One of the strongest, and certainly one of the best founded objections to the late Bank of the United States, apart from its unconstitutionality, was the malign influence, such an institution, dependent upon Congress for a recharter, was likely to exert upon the members of that body; and it is difficult to resist the conclusion, that too intimate a connection and dependence between members of the Legislature and Bank Directors, will be apt to produce the same evils here, and perhaps have the effect, in the end, of placing the Banking system of the State, first, under the control of members of the Legislature; and finally under the control of the debtors to the Banks—a state of things which they could not long survive.

The salaries of the Presidents of the Banks are believed to be too low, and every way calculated to exclude from the management of the Banks suitable talents and qualifications; and to invite into them those who are entirely destitute of the necessary qualifications to manage their affairs with ability.

Perhaps of all the modes calculated to degrade the public service, by bringing faithless and incompetent men into office, none is more effectual than low and inadequate salaries—especially offices requiring talents of a peculiar kind; constant and diligent attention; and imposing great labor and responsibility.

Competent commissioners have been appointed to examine the different Banks in the State, whose reports will inform you of the actual condition of those institutions up to the commencement of your present session, except the Branch Bank at Decatur; where, owing to the failure of one of the commissioners to receive the evidence of his appointment for some weeks after it was issued, and the sickness of the officers of the Bank, it is not probable the examination will be completed for some weeks. It will no doubt, however, be done in time for all salutary purposes.

Under the act of 29th January 1840, to recall and cancel the unsold bonds issued by the State of Alabama, the President and Directors of the Bank of the State of Alabama have returned bonds, amounting to three hundred and thirty-four thousand dollars—the President and Directors of the Branch Bank at Huntsville, bonds to the amount of five hundred thousand dollars—and the President and Directors of the Branch at Montgomery, bonds to the amount of six hundred and sixty-seven thousand dollars: all of which have been cancelled and are deposited in the Treasury Department, subject to the final disposition of the Legislature.

It will also be perceived by a letter from the President of the Bank of the State of Alabama, a copy of which is herewith submitted, that proper steps have been taken to recall all the bonds remaining unsold, belonging to that institution; and that they are now in the hands of the Cashier of the Bank of Mobile, awaiting the navigable state of the river, to be transmitted to the Bank at this place. The withdrawal of so large an amount of our stock from market, cannot fail to have a most beneficial effect on the credit of the State, and enhance the value of our stock, if, at any time hereafter, circumstances should render it necessary to raise money on the public credit of the State. Influenced by a constant desire to preserve that credit unimpaired, and to counteract the mischievous tendency and effects of the proposition, which seems to be seriously entertained in some portions of the country, for the General Government to assume the payment of the debts of the individual States, I beg leave again to press upon the consideration of the Legislature, the propriety of providing without further delay, either in the mode pointed out in my last annual message, or in such other mode as the wisdom of the Legislature may suggest, a sinking fund for the redemption of our State stock.

Immediate attention to this subject is not only required by that constant regard to the high considerations of good faith, which we should always guard with the most sedulous care, but, will put at rest, so far as Alabama is concerned, a proposition pregnant with more pernicious consequences to the sovereignty and separate independence of the States, than any which has agitated the national councils. For, it may be safely assumed, that whatever authority has the right, or is permitted to exercise the power, of paying the debts of a State or nation, will ultimately control its will and its political action.

The adaptation of the criminal laws of the State to the Penitentiary system of punishment, will commend itself to the prompt and early consideration of the Legislature. The Code prepared by the Judges of the Supreme Court, and submitted during your last session, has been examined with some attention, and is considered, in the main, to be entitled to your favorable consideration. The great desideratum in the application of human punishment to crime and moral delinquency, is the just and proper medium between the rigid rules of stern inflexible justice, and a proper regard to the sacred principles of humanity and enlightened public benevolence—guarding with cautious vigilance and circumspection against excessive and disproportioned punishments on the one hand, and a spirit of diffusive and indiscriminate sympathy with offenders on the other.

The framers of the constitution, in a spirit of philanthropy which cannot be too highly commended, expressly provided in that instrument, that our penal code should be founded on principles of reformation, and "not of vindictive justice;" and no one who has bestowed the least attention to the administration of the criminal law in this State, can believe for a moment, that this salutary principle has been violated in practice; and it would constitute a most agreeable reflection, if we could assert with equal truth and sincerity, that the moral sense of the community was not frequently shocked at seeing actual offenders, after undergoing the forms of a legal trial, stalking unpunished amongst us, and in some instances swelling the torrent of guilt, by the commission of new, or the repetition of former offences.

To protect the innocent, and to punish the guilty, by certain and adequate inflictions, in cases where guilt is clearly ascertained, is among the first and highest objects of the social compact; and it certainly cannot be calculated, either to deter offenders from the commission of crimes, or to elevate the moral character and condition of society, to cast our sympathies into the scale of vice and immorality, which already have too great a preponderance, instead of exerting them in behalf of social order and the just suppremacy of the laws. In fact, the introduction of the penitentiary system of itself affords the clearest indication, that the great object of the Legislature was, as it should have been, to restrain the hand of lawless violence, and to relieve offenders, except of the very highest grade, from the ignominious effect of public corporal punishment, and to reform them, if possible, by excluding them from temptation and the haunts of vice, by solitary confinement and employment; thereby affording them the opportunity, by reflecting on the crimes and misdeeds of a past life, to redeem themselves from the depths of moral degradation, into which they had unhappily fallen.

According to the terms of the contract for the erection of the penitentiary, the building will be completed by the first of May, 1841. Of the sums heretofore appropriated for this object, there remains an unexpended balance in the Treasury of twelve thousand seven hundred and ninety-seven dollars; and a further appropriation of thirty-four thousand nine hundred and fifty dollars and fifty cents, will be necessary during your present session, in order to fulfill the contract.

Your attention is respectfully directed to the more perfect arrangement of the Chancery Courts. Acccording to the present arrangement, the labors of the Chancellors are in my estimation, too great for the compensation they receive. Perhaps, in addition to a more perfect arrangement of the divisions, which at present is understood to be very incomplete and inconvenient, the best way in which the existing defects could be remedied, would be, by the election of an additional Chancellor, or by raising the salaries of the present Chancellors, or, by repealing the law which requires them to alternate. This latter requirement which greatly increases their labors, is not deemed a matter of importance or necessity, as all their proceedings are subject, if the parties desire it, to revision in the Supreme Court.

Under the militia laws of the State, as revised and amended, most of the Brigadier Generals have provided tents for the use of the officers attending brigade encampment drills. The expense of providing tents has, in many instances, greatly exceeded any estimate I had formed upon that subject. The power to procure them, under existing laws, is given exclusively to the respective Brigadier Generals; and as it was to be presumed that they were properly attentive to economy and the public interest in making contracts, and especially, as no discretion was believed to be vested in the Executive, these accounts were approved and paid, as they were presented duly certified, according to law. Several hundred stands of the public arms have been collected and repaired during the year; and it will become your duty to make suitable provision to pay for this service, when the accounts are presented.

In obedience to the joint resolutions of the 31st January, 1840, I caused to be made out, certified by the Comptroller of Public Accounts, and State Treasurer, and forwarded to the War Department, a statement of the amount paid by the State of Alabama on account of the expenditures growing out of the late war with the Creek Indians. You will perceive by Mr. Poinsett's letter, a copy of which I have the honor to submit, that it is necessary to furnish the War Department with the vouchers and a specification of the items for which the money was expended. The only vouchers within the reach or knowledge of this Department, are those which were preserved by the Commissioner appointed by my predecessor, the Hon. C. C. Clay, to audit and settle these accounts. These I have caused to be copied and forwarded to Washington; but sufficient time has not elapsed for me to be informed whether they will come within the requirements of the War Department. As these vouchers relate principally to the accounts settled by the Commissioner, and not to those that were paid by direct appropriations, I invite your further attention to this subject.

It is well known that I came into office, not only favorable but pledged to the subjects of Education and Internal Improvement. This pledge, although to a great extent unredeemed, has not been forgotten, or purposely neglected. It will be remembered that the period within which it has fallen to my lot to administer the government, has been one of extraordinary difficulty and embarrassment, every way unpropitious for engaging extensively, or successfully, in the prosecution of either of these objects.—Nor am I satisfied that the time has yet arrived, when we can, with perfect propriety, embark in the accomplishment of matters which every one so much desires. But from a thorough conviction, that the amount employed in banking in this State, would, if we had the actual capital, greatly exceed the amount necessary to supply the sound reasonable wants of the community, I respectfully recommend to the General Assembly the propriety of withdrawing a part of the capital now employed in banking, as fast as the condition of the banks will justify it, and applying it in such manner, and in such proportions as the legislature may, in their wisdom, consider most proper to the purposes of Internal Improvement and a general system of Education.

The construction of some work of Internal Improvement connecting the Tennessee river with the navigable waters of Mobile Bay, thereby forming a permanent link of intercommunication between the Northern and Southern sections of the State, has so long occupied the public mind, and is justly considered a subject of such intrinsic importance, that nothing but imperious necessity can fairly excuse its postponement to the present time. The only modes in which this work can be accomplished are, by canal, railway or macadamized road. In deciding in favor of either of these modes, the relative cost, advantages, convenience, and adaptation to the condition of the country, and particularly to the productions of the sections that would be connected by it, must be taken into the estimate. Without intending to disparage or to discourage the adoption of either of the other modes, a macadamized road has, in my opinion, advantages over either of the others; although it is not improbable, that, in expressing this opinion, I shall subject myself to the imputation of a retrogressive spirit, not congenial with the improvement of the age.

The arguments, which to my mind, give to this mode of improvement advantages over every other are, cheapness in the construction and repairs, greater practicability, less liability to accidents, and greater adaptation to the convenience of the great body of the people. But the main reason in favor of a macadamized road is, that the country to be connected by this work with Mobile, is, emphatically a provision raising region; and even if the heavy productions in which it abounds, could be transported on railroads, it would have the effect of greatly enhancing the cost of transportation, and would throw out of employment a considerable portion of the capital employed in raising those productions, for a considerable period of the year. Whereas, if the other description of road be adopted, the hands, the teams, and the wagons used in making the produce, could be profitably employed in transporting it to market. In fine, to repeat a sentiment which cannot be too often repeated, or deeply inculcated, it would produce the greatest good to the greatest number.

Although deeply impressed with the utility and importance of a work of this kind, if the legislature should be of opinion that either this object, or the general system of Education to which I have referred, should be postponed to a period of greater public prosperity, I have no hesitation in expressing the opinion, that Education should be put in advance of every other interest. Indeed, when we attempt to estimate the advantages of Education, in preparing mankind for all that is useful, honorable, and praiseworthy in this life, and for an higher state of moral and intellectual enjoyment in that which is to come, it is difficult to place any other interest in competition with it; or to resist the unwelcome conclusion, that we have already slumbered too long upon this vital subject. Considering too, that ours is emphatically a government of opinion, and that the success and purity of its administration will always depend upon the extent to which that opinion is enlightened, the advantages of Education cannot be too highly appreciated in a political point of view. It is that alone which can keep alive the vestal spark of enlightened patriotism: and while I am free to declare, that I should rejoice to see the resources of the State fully developed by the construction of every kind of improvement, which could tend to the consummation of that object, I would rather be instrumental in imparting to the indigent and orphan children in the State of Alabama, the rudiments of a common English Education, than to enjoy the exclusive credit of constructing a railroad from Louisiana to the Lakes. This system, when once set in motion by the munificience of the legislature, carrying, as it will, its genial influences like the rays of the sun, into every corner of the State, aided as it will be, by the fostering influence of enlightened public opinion, could not fail of ultimate success. It is admitted, that the sparseness of our population in many parts of the State, would present an impediment to the immediate and entire success of the system.

But it is surely not expecting too much of freemen in this enlightened age, to presume, that they would be willing to submit to some privations, and to encounter some difficulties, in order to open to their children the avenues to learning and moral improvement, by which they would, in the end, be conducted to the valuable fountains of virtue and knowledge.

The present amount of capital employed in banking, is ten millions eight hundred and sixty thousand dollars. It is believed that six millions are as much as can be advantageously employed in that mode; which would leave four millions eight hundred and sixty thousand dollars, as fast as it can be realised by the Banks, to be appropriated to other objects. The impolicy of employing too large a capital in banking, and the evils of a redundant circulation have been so fully realized, that if the Legislature should be indisposed to employ any portion of it in the manner I have indicated, I am clearly of opinion, that the capital of the banks should be reduced to six millions; and the excess above that sum, applied to the redemption of the stock.

The University of Alabama, in the success of which we have so deep an interest, has not been unaffected by the causes which have operated upon every other department of the public interest. Owing to the extreme unhealthinesss of the past season, and to the deep state of pecuniary embarrassment, the number of students is less than at the commencement of your last session. The President and officers of the Faculty continue to be faithful and unremitting in their exertions to promote the utility, and elevate the character of the Institution; and to fulfill the high expectations that were formed of their merits and qualifications. Inasmuch as the Board of Trustees will meet and report to you upon the affairs of this Institution generally, during the present session of the Legislature, it is deemed unnecessary to go into further detail in this communication.

The disposition unhappily manifested in so many quarters, and in such a variety of shapes, to interfere with the question of domestic slavery in those States where it exists under the sanction of the Constitution, and which, to my mind, has so clearly assumed a political aspect, and to threaten the stability of the Government, by putting in the most imminent peril the safety of the Southern people, renders it an imperious duty to bring the subject to the notice of the Legislature.

It will not be expected, in a communication of this kind, that I should enter upon a defence of slavery, either practically, as it exists in this country, or as a question of abstract moral right. Although it is believed, notwithstanding the depraved and morbid sensibility manifested upon the subject, that the truth of the following propositions is clearly demonstrable—That negroes in the slaveholding States of this Union, enjoy the necessaries of life, in greater abundance than the laboring poor, or those who have to labor for subsistence, in any country under the sun; and that they have fewer cares, fanaticism itself will admit. Second: That if they were emancipated, it would make their condition worse instead of better. Third: Slavery will always exist, as it always has existed in every age and country, under every form of government and modification of human society, in some form. and that that class are better adapted to the condition of servitude than any other. Fourth: Experience has already proven, that all attempts at colonization in the country whence they originally came, are futile and hopeless. Fifth: If the American slaves could be colonized, they would descend to the condition of the natives, instead of imparting the benefit of their limited information and civilization to them. Sixth: That slavery existed from the earliest generations after the deluge, if not with the express sanction of the Divine will, without any prohibition; and that the inspired Apostles fully recognized it, as an institution sanctioned by the Almighty himself. Seventh: There is not a country in Europe in which servitude does not exist, in a more oppressive and degrading form, than the system of slavery in the United States. If these propositions are true, what modern teacher of morality is entitled to the discovery, that slavery is a great moral evil, the weight of which is sinking the character of this country below the standard maintained by the Goths and Vandals?—Was it the great and eminent men who framed the Constitution, and who were at least as pious, as humane and intelligent, as these Abolition harpies, who are laboring to subvert an institution as old as society itself, and which, notwithstanding all their efforts, will be co-existent with it?

The framers of the Constitution expressly recognized the existence of slavery, by including slaves in the ratio of representation; viewing them as they are, and as they must continue to be, while the principles of the Constitution endure, in the mixed light of persons and property. If it be within the decrees of Omnipotence, that the distinctions of rank and color are to vanish and be done away, and the servant is to be free from his master, it will only be when the institutions of human society shall give place to that state of things, in the ordering of which human agency can have no control, and which can neither be accelerated nor postponed by human exertions. Slavery in some form will always exist. It is one of the incidents of society, a melancholy one if you please, but it has existed from the foundation of the world, and exist it will till time shall be no more.

But while we insist upon our rights, we should never be insensible to our duties, as masters. The relation of master and servant is one of vast importance both in a moral and political point of view—more important, perhaps, than any which now exists. The other social relations are viewed in the same light by all civilized nations; nor is it easy to conceive of any cause likely to disturb them. With the relation of master and servant this, unhappily, is not the case. Let us then, from an exalted sense of what is due to ourselves, and from a sacred regard to humanity and justice, so fulfill this relation as to put those, who are disposed officiously to interfere with our rights, to shame; and to prove ourselves worthy of the superior position in the scale of being, in which it has pleased Divine Providence to place us. I feel no assurance, however, that the most righteous course on our part will ensure our future tranquillity upon this subject—indeed, from present indications I am strongly inclined to think that it will not. A fervent attachment to the union of the States, and an ardent desire that that union might be perpetuated, has rendered me averse to the agitation of any question that would be likely to weaken the bonds which unite us as one people. There is, however, a point in public, as well as private affairs, beyond which forbearance ceases to be a virtue. And, when we see regularly organized societies, for the avowed purpose of abolishing slavery, infesting considerable portions of our country, disseminating their pestilential doctrines in every direction—when we see American citizens, unmindful of all the obligations that ought to bind them to their country, confederating with foreigners for the purpose of disturbing rights secured to us by a compact to which the States of the Union are parties—when we see the halls of Congress flooded session after session with petitions asserting the right of Congress to abolish slavery in the District of Columbia, (no doubt with a view of extending the same principle to the States) and to inhibit the traffic in slaves between the States, and importuning them to exert it—when we see the question of abolition made a test for the highest offices in many of the States—when we see State legislatures, in their high representative capacity, adopting resolutions denouncing slavery as a political evil, and one that ought to be abolished—when we behold the Legislature of one State enacting laws giving to runaway slaves the right of trial by jury to decide upon the question of property in said slave, and the trial to take place in a community where slavery is daily denounced as a curse, and slaveholders as monsters and tyrants; and the Governor of another State refusing to surrender persons charged with stealing slaves when demanded by the proper authority—when we see the two branches of the Legislature of one of the oldest States in the Union, pass a bill through both houses of the General Assembly, legalizing marriage between negroes and white people, and the country only saved from the disgrace of such a measure by the veto of the

Governor—when we behold, in various quarters of the Union, the professors of a pure and holy religion, and the pretended disciples of its divine and immaculate Author, declaring that slavery is a sin, which admits neither of extenuation or excuse, and throwing their exertions into the stream that threatens to overwhelm us, by inciting our slaves to acts of rebellion, insurrection and murder; it is time to awaken from the state of fancied security in which we have hitherto reposed.

Neither are the exertions making in other countries, calculated to allay our apprehensions upon this subject. Within the present year a convention, at which some Americans, unworthy of the name, were present as members, was holden in the metropolis of the British Empire, the object of which was the abolition of negro slavery throughout the world. And the proceedings of this foreign convention, aiming a fatal blow at the rights and safety of one entire section of the United States, has been heralded through the public mail under the official frank of the representatives of a portion of the people of the United States. Perhaps it is not so remarkable that religious fanatics and political zealots in England, shuddering at the recollection of the horrors of the African slave trade, which combined in its practice the dreadful crimes of kidnapping, piracy and murder, and in which the Dutch and English were the first, and beyond all comparison the greatest offenders, should be anxious to expiate their own sins by attempting to disturb the relation of master and slave in other countries; but it is greatly to be regretted that any portion of the people of this country should be so much under the influence of their ancient tyrannical masters as to have fallen into the same unhappy delusion.

It is possible, that Southern statesmen, fired with just indignation at the repeated efforts of Northern and Eastern members of Congress to interfere with rights secured to them by the constitution of a common country, may have erred in refusing to receive petitions upon the subject of abolishing slavery. *It may be* possible that this subject is embraced within the comprehensive principle of the inalienable right of petition. If so, that right should be maintained inviolate. The petitions should be received, referred to a committee of abolitionists, who seem to set themselves up as the peculiar guardians of humanity and justice, with instructions to report their views, in order that we may be fully apprised of the extent of their designs. If, on the other hand, this subject does not fall within the scope of the right of petition, it ought to be made felony by a law of the United States to present them. For, if the right to present such petitions be not an inalienable one, it is impossible to conceive of any act fraught with more dreadful consequences, or the perpetration of which would justly merit more highly penal enactments to suppress. My own opinion is, that the only way in which the question could be presented as a debatable one, would be a proposition to amend the Constitution in this respect.

In view of the dangers impending over us, I respectfully suggest to the General Assembly, the indispensable necessity of presenting to the other States of this Union, and to the world, the views we entertain upon this subject, and which we intend to insist upon in every emergency, and are resolved to maintain at every hazard. I also recommend the adoption of the most effectual measures for suppressing the unlawful assemblages of negroes, and the circulation of incendiary publications and speeches among them, and a careful revision and improvement of the patrol laws. It is also believed to be a matter of imperious necessity, and therefore respectfully recommended, to hold a Convention of the slaveholding States, at such time and place as may be deemed most advisable, in order that we may be enabled, upon full consultation with those whose rights stand upon the same footing with our own, to adopt the most effectual measures for our mutual happiness and safety. It is perfectly idle for us, no matter what may be the depth and sincerity of our attachment to that instrument, to be clinging to the forms of the Constitution, while its substance is daily yielding to the rude tide of innovation and fanaticism, which is constantly lashing against it. And if, contrary to all the pleasing anticipations of the past, that instrument shall fail to secure to us the great essential objects contemplated by its illustrious founders, it becomes our duty, not only as patriots, but as rational beings, acting under the powerful instinct of self preservation, to provide new guards for our future security. I am deliberately convinced in my own mind, that the period has arrived for the people of the South to act, and to act efficiently on this subject, or their weight and importance in the scale of national existence will be lost, and their safety endangered forever. And it is a consoling reflection, that whatever contrariety of opinion may exist among Southern men upon other subjects, they will be true to themselves, and to the compromises of the Constitution, and feel and act in relation to it, as one man.

With the view to concentrate more perfectly, the political energies of the State, as far as practicable, and of consummating the genuine State Rights' doctrine, I beg leave, respectfully to suggest the propriety of changing the mode of electing members of Congress by districts, and of substituting in stead thereof, the General Ticket System. Every State entitled to a separate independent existence, is supposed to possess a sovereign will, constituted according to the theory of our government, of the opinions and wishes of a majority of the people. This sovereign will, when ascertained according to the provisions of the Constitution, forms, after all, the great operative principle of representative democratic government. Hence, in elections, whatever method is most likely to obtain an expression of that will, and to carry it out in practice, is most congenial to the theory of our form of government. According to the principles of the Constitution, the *people* of the States are represesented in the popular branch of the Legislature—the *people* of the States in their aggregate sovereign capacity—and if it be true, that the will of this aggregate sovereign, constitutes the great cardinal and distinctive feature of representative government, it would seem to follow, inevitably, that whatever method was most likely to ascertain that sovereign will, and preserve it entire, is most conformable, not only to the spirit of the Constitution, but most conducive to the perpetuity of the sovereignty of the States. The General Ticket System, is not only believed to be defensible upon principle, but to be perfectly equitable in practice. It gives to a majority of the whole people of the State, at all times, whatever may be their political opinions, the entire, undivided weight of the whole representation in Congress. Whereas, the District System, not only tends to engender an attachment to sectional or local interests, at the expense of the whole, and some times to nourish a factious spirit, but to weaken the force of the State representation; and, in some instances, to paralyze it altogether in the national Legislature. It may be said, however, that it is more convenient to elect by districts; and that persons so elected, are more likely to be informed particularly, of the various and minute interests of the district, than if they were selected from the State at large, and elected by general ticket.

This argument naturally divides itself into two branches. Upon the first it may be remarked, that most arguments derived from the mere consideration of convenience, ought to be scrutinized with great caution, as not unfrequently involving aviolation of, or departure from principle. The second member of the proposition is believed to be equally destitute of any solid foundation. In the first place, it may be safely assumed, that under the general ticket system, the most suitable and talented individuals, would not only be apt to be indicated by public opinion, but would be selected from the different sections of the State, and would have their claims and qualifications endorsed by a majority of the people of the whole State, instead of a majority of a particular district. And it will hardly be contended that any one is qualified for a seat in Congress, whose knowledge is so limited as to be confined to the wishes wants or interests, of a particular district. Under every aspect of the question, I am so well satisfied that the General Ticket system is most consonant to our democratic, representative system, that I recommend it to the most favorable consideration of the Legislature. I am not unaware that the time, and the circumstances under which this recommendation is made, and when every proposition of a public nature, is scrutinized with proper, and sometimes with rigid severity, may subject the proposition itself to animadversion, and the motives which prompt it to misconception and misrepresentation. But I should consider myself peculiarly unfitted for public employment in these times, and utterly unworthy of the confidence I enjoy, and which I hope to continue to merit, if I could, for a moment, permit the hope of applause, or he fear of censure, to render me insensible to the sacred obligations of official duty.

It will not be expected, that I should notice all the topics which will merit your attention, during the deliberations of your present session. I console myself with the reflection, that, whatever may be omitted will be supplied by your superior intelligence ; and that the people will find in your patriotism and virtue, a sure corrective against any thing I may have recommended, incompatable with the public interest.

A. P. BAGBY.

Mr Wynn moved that the message and accompanying documents lie upon the table, and that one thousand copies of the message be printed for the use of the House.

Mr Davis of A. moved to amend the motion to print, by striking out 'one' before the word 'thousand,' with a view of inserting 'two;' which was lost.

Mr Smith of L. moved to strike out the words 'one thousand,' with a view to insert the words 'nine hundred and ninety-nine;' which was lost.

Mr Davis of A. moved to strike out 'one thousand,' with a view to insert the words 'fifteen hundred;' which was carried.

The question recurring on the motion of Mr Wynn, as amended, was decided in the affirmative.

Mr Strode offered the following resolution:

Resolved, That, with the consent of the Senate, the commissioners appointed by his Excellency, the Governor, to examine the Branch of the Bank of the State of Alabama, at Decatur, be permitted to delay their report until the 30th instant, and that the president and cashier of said Branch Bank be permitted to delay their annual report until the 30th instant; which was adopted.

Ordered, that the clerk acquaint the Senate therewith, and ask their concurrence.

The House adjourned until to-morrow morning, ten o'clock.

WEDNESDAY, November 4, 1840.

The House met pursuant to adjournment.

Mr. Raney Fitzpatrick, a representative of the county of Macon, and Mr. Blake Little, a representative from the county of Sumter, appeared within the hall of the House, were qualified and took their seats.

Mr Langdon presented the petition of sundry citizens of Mobile, praying the passage of a law to incorporate the Factor's Press and Warehouse Company of the city of Mobile, which was read; and on motion of Mr Langdon, ordered to lie on the table.

Mr Bates presented the petition of Nancy Swain and Thomas G. Newbold, praying the passage of a law to authorize an exchange and conveyance of lands between the parties; which was read and referred to the committee on the judiciary.

Accounts were presented by Messrs Hutchinson, Griffin of S. Roberts and Stone; which were severally read and referred to the committee on accounts.

Message from the Senate, by Mr Hill:

Mr SPEAKER—The Senate has adopted the following resolution:

Resolved, by the Senate, that with the concurrence of the House of Representatives; the two Houses will assemble in the Representative Hall, on Thursday the fifth instant, at twelve o'clock, noon, for the purpose of electing a Senator in the Congress of the United States, to fill the vacancy occasioned by the expiration of the constitutional term of the Hon. William R. King, on the fourth of March next.

Mr Young moved that the resolution of the Senate lie upon the table.

The motion being under consideration, Mr Davenport moved to suspend the consideration of the same, until Mr Moores of Marengo, shall be qualified; which was carried.

Mr William B. Moores, a representative from the county of Marengo, appeared within the hall, was qualified and took his seat.

Mr Strode, who voted with the majority, moved a reconsideration of the vote taken yesterday on the adoption of the resolution in relation to the Branch Bank at Decatur.

The House resumed the reconsideration of the motion of Mr Young, to lay upon the table the resolution of the Senate, for the election of a Senator in the Congress of the United States.

The hour of twelve o'clock having arrived, Mr Strode moved to suspend the order of the day; and the question having been taken on said motion, it was decided in the affirmative. Yeas 48—Nays 44. The yeas and nays were demanded.

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClannahan, McCullough, McMillion of B. Moore of Mad. Moore of Marion, Morris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are Messrs Ashurt, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis, of B. Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young.

The consideration of the motion of Mr Young being under consideration, Mr Bates moved that the House adjourn until to-morrow morning, ten o'clock, which was lost. Yeas 42—Nays 51. The yeas and nays were demanded.

Those who voted in the affirmative, are Messrs Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Prince, Seawell, Shanks, Simmons, Spruill and Young.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jemison, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. Moore of Mad. Moore of Marion, Morris. Peterson, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

The motion of Mr Young being again under consideration,

Mr Bates moved that the House adjourn until to-morrow morning ten o'clock; and the queston having been taken on the said motion, it was decided in the affirmative.

THURSDAY, November 6, 1840.

The House met pursuant to adjournment.

Accounts were presented by Messrs Reynolds, Fitzpatrick, Adams, Kidd, Bradley and McGill, which were severally read and referred to the committee on accounts.

Mr Hunter presented the petition of Henry Hunter, of the county of Dallas, praying the passage of a law authorizing him to erect a gate or gates, on a certain public road which passed through his land, on the Alabama river, which was read and referred to the committee on propositions and grievances.

Mr Moores presented the petition of sundry citizens of Marengo county, praying the establishment of an election precinct, therein named; which was read and referred to the committee on privileges and elections.

Mr Little presented the petition of sundry citizens of township nineteen, range two west, in the Demopolis land district, and county of Sumter, praying the passage of a law authorizing the commissioners of the sixteenth section in said township, to collect, draw for, and pay over to the trustees of the male and female academies in the town of Livingston, out of the interest arising from said sixteenth section fund, the sum of one thousand dollars each, to aid in the erection of said academies; which was read and referred to a select committee, consisting of Messrs Little, Winston of S. and Inge.

A message was received from the Governor, by Mr Bagby, his private secretary.

EXECUTIVE DEPARTMENT,
Tuscaloosa, November 4, 1840.

Gentlemen of the Senate and of the House of Representatives—

I have received during the recess of the Legislature, with a request to lay them before you, copies of joint resolutions of the Legislature of New Jersey, in relation to the rejected members of Congress from that State:

Joint resolutions of the Legislature of South Carolina, in relation to the Georgia and Maine controversy:

Joint resolutions of the General Assembly of Connecticut, concerning the public lands, and in relation to the protective policy of the General Government:

Joint resolutions of the State of Maine, relating to the northeastern boundary:

Preamble and joint resolutions of the Commonwealth of Kentucky, concerning the public lands:

And resolutions of the citizens of Georgetown, in the District of Columbia, praying the retrocession of that part of the District to the State of Maryland.

(Signed) A. P. BAGBY.

Hon. SAMUEL WALKER, Speaker of the House of Representatives.

Which was ordered to lie on the table.

Message from the Senate, by Mr Gordon:

Mr Speaker—The Senate has adopted the following resolution:

Resolved, That a committee of three be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to examine the Comptroller's and Treasurer's offices; and whether the Comptroller and Treasurer have discharged their duties strictly according to law.

Messrs Hudson, Farrar and Oliver are appointed said committee, on the part of the Senate.

The Senate has passed a bill to be entitled an act to change the time of holding the county court of Marengo county; in all of which, the concurrence of the House of Representatives is requested.

The joint resolutions of the General Assembly of Connecticut, concerning public lands, and in relation to the protective policy of the General Government, and preamble and joint resolutions of the Commonwealth of Kentucky, concerning the public lands, were read and laid on the table.

Joint resolutions of the Legislature of New Jersey, in relation to the rejected members of Congress from that State, were read.

The joint resolutions of the Legislature of South Carolina, in relation to the Georgia and Maine controversy, were read, and on motion of Mr McAlpin, referred to the committee on the judiciary.

Message from the Governor, by Mr Bagby, his private secretary:

EXECUTIVE DEPARTMENT,
Tuscaloosa, November 5, 1840.

Sir—I have the honor to lay before the House of Representatives, the report of the Commissioners appointed to examine the Bank of the State of Alabama.

(Signed,) A. P. BAGBY.

Hon. SAMUEL WALKER, Speaker of the House of Representatives.

The hour of twelve o'clock having arrived, Mr Rice moved to suspend the orders of the day, for the purpose of offering a resolution.

Mr Bates called for a division of the question, which was first ordered on spending the orders of the day.

Mr Fitzpatrick moved that the House adjourn till to-morrow, ten o'clock. The motion was lost. Yeas 45—Nays 50. The yeas and nays were demanded:

Those who voted in the affirmative, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton. Crenshaw, Davenport, Davidson, Davis of B. Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Perkins moved to adjourn until nine o'clock, to-morrow morning.

Mr Bates moved to adjourn until half after nine o'clock, to-morrow morning. The motion was lost. Yeas 45—Nays 49.

Those who voted in the affirmative, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Perkins renewed his motion to adjourn until to-morrow morning, nine o'clock.

Mr Bates moved that the House adjourn until to-morrow, ten o'clock; which was lost. Yeas 44—Nays 50.

The yeas and nays were demanded, those who voted in the affirmative, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Moores. Murphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, Mitchell, Moore of Mad. Moore of Marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Perkins moved that the House adjourn until half past nine o'clock.

Mr Hutchinson moved that the House adjourn until forty-five minutes after nine o'clock; and the question having been taken on said motion, it was decided in the negative. Yeas 45—Nays 49.

Those who voted in the affirmative, are Messrs Speaker, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Cobb, Crenshaw, Davenport, Davidson, Davis of B. Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young.

Those who voted in the negative, are Messrs Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

The question recurring on the motion of Mr Perkins to adjourn until tomorrow morning at half after nine o'clock, was decided in the negative. Yeas 44—Nays 49

The yeas and nays were demanded, those who voted in the affirmative, are Messrs Speaker, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young.

Those who voted in the negative, are Messrs Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Rice, with the leave of the House, withdrew his motion to suspend the orders of the day.

The House proceeded to the orders of the day.

The bill to be entitled an act to compensate witnesses in certain cases, was read the second time.

Mr. Roberts moved to amend by way of proviso, to come in at the end of the bill: which was carried.

The bill, as amended, was, on motion of Mr Roberts, referred to the committee on tho judiciary.

The bill to be entitled an act for the relief of Sarah A. Harris, was read the second time, and referred to the committee on the judiciary.

The bill to be entitled an act to authorize the administrator of David Andrews, deceased, to make a title to real estate, was read the second time and referred to the committee on the judiciary.

Mr Wynn moved to take from the table the petition of the administrator of David Andrews, deceased, in regard to this subject, and that the same be referred with the bill; which was carried.

Mr Moore of MAD. offered the following as an amendment to the nineteenth rule of the House, to come in at the end of said rule, viz:

"*Provided*, no motion to adjourn shall be entertained by the Chair, when once made and lost, until after some business shall have been done by the House, between said motions for adjournment;" which lies over one day for consideration.

Mr Young moved the following amendments to the rules of the House: in the twenty-second rule to strike out the words, "and further debate," and insert in lieu thereof, the words, "but not debate:" Also, to amend the ninth rule by striking out the word "once," and insert in lieu thereof, the word, "twice;" which lies over one day for consideraion.

Mr McCoy moved that the House adjourn until to-morrow morning ten o'clock: and the question having been taken on said motion, it was decided in the affirmative. Yeas 47—Nays 46.

The yeas and nays were demanded, those who voted in the affirmative, are *M*essrs Speaker, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davidson, Davis of B. Davis of L. Dixon, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, *M*angum, *M*ann, *M*cAlpin, *M*cCoy, *M*cGill, *M*cLemore, *M*itchell, *M*oores, *M*urphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young.

Those who voted in the negative, are *M*essrs Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, *M*allard, *M*archbanks, *M*cClanahan, *M*cCullough, *M*c*M*illion of B. *M*c*M*illion of J. *M*oore of MAD. *M*oore of MARION, *M*orris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

FRIDAY, November 6, 1840.

The House met pursuant to adjournment.

Mr Speaker proceeded, in pursuance of a resolution of the House, to appoint the members of the Standing Committees, as follows, viz:

On Privileges and Elections—Messrs Walker of L. Griffin of J. Fowler, Provence, Shanks, Simmons, Reynolds, Kelly and Kidd.

On Roads, Bridges and Ferries—Messrs Wynn, Mallard, Mangum, McGill, McClanahan, Adams, Adrian, McCoy and Moores.

On Ways and Means—Messrs Reynolds, Bowen, Ashurst, Alexander, Mann, Houston, Bell, Griffin of M. and Strode.

On Military Affairs—Messrs Walker of B. Winston of S. Crenshaw, Blackshear, Blair, McLemore, McMillion of B. Moore of Marion and Blount.

On Lands appropriated for Internal Improvement—Messrs Douglass, Norris, Davis of L. Wilson, Hall, Roberts and Hollinger.

On County Boundaries—Messrs Bradley, Broughton, Cobb, Dixon, Davis of L. Wilson, Smith of J. Barron and Pynes.

On Education—Messrs Baker, Saunders, Stone, Spruill, Smith of L. Crenshaw and Rice.

On Accounts—Messrs Hill, Jones, McCullough, McMillion of J. Inge, Norwood and Peters.

On Divorce and Alimony—Messrs Morris, Jones, Langdon, Marchbanks, McAlpin, Hutchinson and Smith of J.

On the State Bank and Branches—Messrs Moore of Madison, Young, Bates, Saunders, Baker, Jemison, Wynn, Williams and Douglass.

On the State Capitol—Messrs Blount, Prince, Randolph, Spruill, Murphy, Peterson and Pynes.

On State Printing—Messrs McMillion of J. Mitchell, Langdon, Davis of A. Randolph, Hughs and Little.

On the Judiciary—Messrs Saunders, Murphy, Young, Baker, Clemens, Hunter, Smith of L, Fitzpatrick, Campbell, King and Williams.

On Propositions and Grievances—Messrs Inge, Rice, Wynn, Davis of A. Davis of B. Clemens and Doster.

On Enrolled Bills—Messrs Mitchell, McGill, Griffin of S. Garrett, Fowler, Flemming and Hale.

On Inland Navigation—Messrs Hunter, Winston of D. Davenport, Davidson, King, Provence and Griffin of J.

Mr Absalom Doster, a representative elect from the county of Autauga, appeared within the Hall of the House, was qualified and took his seat.

Accounts were presented by Messrs Fitzpatrick and Hutchinson; which were severally read and referred to the committee on accounts.

Mr Speaker laid before the House, the record and decree of the chancery court, holden at Mobile, for the first district of the southern chancery division, divorcing Sarah Welch from her husband Dennis R. Welch.

Also, the record and decree of the chancery court holden at Columbiana, divorcing Herod Seale from his wife Sarah Seale.

Also, the record and decree of the chancery court holden at Columbiana, divorcing Sarah A. Hale from her husband Jonathan Hale.

Also, the record and decree of the same court, divorcing Caroline Butts from her husband G. W. Butts.

Which were severally read and referred to the committee on divorce and alimony.

Mr Speaker laid before the House, a communication from the Secretary of State, transmitting the bill entitled an act regulating punishments under the penitentiary system, in compliance with a resolution of this House; which was read, and on motion of Mr Morris, ordered to lie on the table.

Joint resolutions of the State of Maine, relating to the north eastern boundary, communicated with the message of the Governor on yesterday, were read, and on motion of Mr Saunders, ordered to lie on the table.

Resolutions of the citizens of Georgetown, in the District of Columbia, praying the retrocession of that part of the District to the State of Maryland, communicated with the message of the Governor on yesterday, were read. Mr Hutchinson moved to refer the same to a select committee; which was carried; whereupon, Messrs Hutchinson, Moore of Mad. and Saunders were appointed said committee.

The resolution of the Senate, for the appointment of three, on the part of each House, to make an examination of the Comptroller's and Treasurer's offices, was read and concurred in; whereupon, Messrs McAlpin, McMillion of J. and Smith of L. were appointed a committee on the part of the House. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate, to be entitled an act to change the time of holding the county court of Marengo county, was read the first time, and the constitutional rule, requiring bills and joint resolutions to be read on three several days, having been dispensed with, the bill was read the second and third time, and passed. Ordered, that the clerk acquaint the Senate therewith.

The report of the commissioners appointed by the Governor, to examine the Bank of the State of Alabama, which accompanied the message of his Excellency on yesterday, was read and ordered to lie upon the table.

Mr McClanahan offered the following resolution:

Resolved, If the Senate concurs, that the two Houses of the General Assembly will assemble in the Hall of the House of Representatives, on Saturday the 7th inst. at twelve o'clock, noon, for the purpose of electing a Senator in the Congress of the United States, to fill the vacancy occasioned by the expiration of the constitutional term of the Hon. William R. King, on the 4th of March next.

On motion of Mr Rice, the House resumed the consideration of the resolution of the Senate, to go into the election of a Senator in the Congress of the United States; the question being on the motion of Mr Young to lay the resolution on the table.

Mr Young, with the leave of the House, witdrew his motion to lay the resolution on the table.

Mr Moores moved to strike out all of the resolution after the word '*Resolved,*' with a view to substitute the following:

Whereas, in the words of the constitution of the State of Alabama, all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and further, as in the organization of our Republican form of Government, it is made to some extent, the duty of the Senators of the United States, to become the constitutional advisers of the President; and moreover, as this office of Senator is one of dignity and importance, designed to represent no particular or sectional interest, but the interest of the whole State,

1. *Be it therefore Resolved,* That it is the duty of each and every Representative of any portion of the intelligent and patriotic citizens of the State of Alabama, in the selection of an individual to fill the high and dignified station of Senator, to conform to the fairly expressed will of his constituents.

2. *Resolved,* That it is inexpedient for this body to go into an election for Senator, until after we shall have heard the decision of the people, to be made at the ballot box on Monday next, for, as the election of President and Vice President, takes place on that day in this State, a more full, fair and decided expression of public opinion, will be given upon the various questions which are now agitating our fellow citizens, thereby enabling us to decide more correctly, who the people of the State would desire to represent them in the Senate of the United States.

3. *Resolved,* That as no injury can result to the State, by delaying action upon this question (the present incumbent holding his office until the 4th of March next,) a proper and decent respect for the opinions of the people, as shortly to be expressed, should induce us to postpone for the present, our action upon this subject.

4. *Resolved,* That as after the Presidential election, shall have taken place, we will be much better prepared, to represent correctly, the will, and wishes of the people of Alabama—and believing in the correctness of the republican

doctrine, that it is the duty of the representative, to obey the will of his constituents, an additional reason is, therefore, presented to us, why we should, for the present, postpone the election for Senator.

Mr Morris, moved to amend the amendment, by striking out all after the first resolution, with a view to insert the following:

Be it further Resolved, That the interest of the State requires that we should now go into the election of a Senator to represent this State in the United States Senate, for the following reasons:

1. That it will in no wise violate the principle of the right of instruction, should there be a change in public opinion, it will be competent for this body to instruct said Senator in accordance with the then will of the people.

2. Because the exciting question is now pending, having been transmitted to this House from the Senate, and the sooner disposed of, and the local business of the State entered upon, the better for the people.

Resolved, That we fully recognize the old republican doctrine, the right of instruction, and in disposing of this question now, we do not violate or infringe the right of the people to rule.

Resolved, That said election, with the concurrence of the Senate, do take place in the Representative Hall, on to-morrow at twelve o'clock, and that the best interest of the State will thereby be promoted.

Mr Langdon, moved that the House adjourn until to-morrow morning ten o'clock; which was lost. Yeas 46—Nays 49.

Those who voted in the affirmative, are *M*essrs Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, *M*angum, *M*ann, *M*cAlpin, *M*cCoy, *M*cGill, *M*cLemore, *M*itchell, *M*oores, *M*urphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Simmons, Spruill, and Young.

Those who voted in the negative, are *M*essrs Speaker, Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of *M.* Hale, Hill, Houston, Hughs, Jones, Kelly, King, *M*allard, *M*archbanks, *M*cClanahan, *M*cCullough, *M*c*M*illion of B. *M*c*M*illion of J. *M*oore of *M*ad. *M*oore of *M*arion, *M*orris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

The amendment to the amendment, being under consideration, Mr Hutchinson called for a division of the qnestion; which was first ordered on striking out.

Mr Bates moved a call of the House; which was lost. Yeas 41—Nays 49.

Those who voted in the affirmative, are *M*essrs Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Inge, Jemison, Little, *M*angum, *M*ann, *M*cAlpin, *M*cCoy, *M*cGill, *M*eLemore, Mitchell, *M*oores, *M*urphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Seawell, Shanks, Spruill, and Young.

Those who voted in the negative, are *M*essrs Speaker, Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of *M.* Hale, Hill, Houston, Hughs, Jones, Klley, King, *M*allard, *M*archbanks, *M*cClanahan, *M*cCullough, *M*c-

Million of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Hall, moved that the House adjourn until to-morrow ten o'clock; which was lost. Yeas 44—Nays 49.

Those who voted in the negative, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Simmons, Spruill, and Young.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

The motion of Mr Morris, to strike out, being under consideration, Mr. Shanks moved that the House adjourn until to-morrow morning ten o'clock, which was lost.

Those who voted in the affirmative, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Langdon, Little, Mangum, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Doster, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McMillion of B. McMillion of J. Mooore of mad. Moore of marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr McAlpin moved that the House adjourn until to-morrow morning, ten o'clock; which was lost. Yeas 41—Nays 47.

Those who voted in the affirmative, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick Flemming, Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Mangum, Mann, McAlpin, McGill, McLemore, Mitchell, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young.

Those who voted in the negative, are Messrs Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of J. Moore of mad. Moore of marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Bates moved that the House adjourn until to-morrow morning, fifty nine minutes after nine o'clock.

*M*r Speaker (*M*r. Young in the Chair) decided that a motion to adjourn is always in order.

From this decision of the Chair, *M*r Baker appealing to the House, and the question having been stated, "shall the decision of the Chair stand as the judgment of the House?" It was decided in the negative. Yeas 44—Nays 48.

Those who voted in the affirmative, are Messrs Ashurst Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Garrett, Griffin of S. Hall, Hollinger Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, *M*angum, *M*ann, *M*cGill, *M*cLemore, *M*itchell, *M*oores, *M*urphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young.

Those who voted in the negative, are *M*essrs. Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, *M*allard, Marchbanks, McAlpin, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

The amendment of Mr Morris to the amendment offered by Mr Moores, being under consideration, Mr Little moved that the House adjourn until to-morrow morning, ten o'clock.

Mr. Speaker, (Mr Young in the Chair,) decided, that under the decision of the House just made, the motion is out of order.

From the decision of the Chair, Mr Little appealed to the House, and the question having been stated, "shall the decision of the Chair stand as the judgment of the House?" it was decided in the affirmative. Yoas 51,—Nays 32.

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Baker, Cobb, Crenshaw, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, *M*orris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Wynn and Young.

Those who voted in the negative, are Messrs Ashurst, Barron, Bates, Bell, Bowen, Bradley, Broughton, Davidson, Davis of B. Doster, Flemming, Griffin of S. Hall, Hollinger, Hunter, Kidd, Little, Mangum, Mann, McAlpin, McGill, McLemore, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Seawell, Simmons, Spruill and Shanks.

Mr Little moved that the House adjourn until to-morrow morning, ten o'clock.

Mr Speaker, (Mr Young in the Chair,) decided that under the decision of the House just made, the motion was out of order.

From this decision of the Chair, Mr Little appealed to the House, and the question having been stated, 'shall the decision of the Chair stand as the judgment of the House?' it was decided in the affirmative. Yeas 52—Nays 34.

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Baker, Blackshear, Broughton, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of Marion, Moore of Mad. Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Wynn and Young.

Those who voted in the negative, are Messrs Ashurst, Barron, Bates, Bowen, Bradley, Davenport, Davidson, Davis of B. Doster, Flemming, Griffin of S. Hall, Hollinger, Hunter, Inge, Jemison, Kidd, Little, Mangum, Mann, McGill, McLemore, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons and Spruill.

Mr Inge moved that the House adjourn until to-morrow morning ten o'clock.

Mr Speaker, (Mr Young in the Chair,) decided that under the decision of the House, the motion is not in order.

From the decision of the Chair, Mr Hutchinson appealed to the House, and the question having been stated 'shall the decision of the Chair, stand as the judgment of the House?' it was decided in the affirmative. Yeas 49—Nays 36.

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Wynn and Young.

Those who voted in the negative, are Messrs Ashurst, Barron, Bates, Bell, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davis of B. Doster, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McGill, McLemore, Moores, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks and Simmons.

Mr Bates moved that the House adjourn until to-morrow morning, ten o'clock.

Mr Speaker, (Mr Young in the Chair,) decided that under the decision of the House, the motion is out of order.

From this decision of the Chair, Mr Hutchinson appealed to the House, and the question having been stated, 'shall the decision of the Chair stand as the judgment of the House?' it was decided in the affirmative. Yeas 50—Nays 35.

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Baker, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of

B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Wynn and Young.

Those who voted in the negative, are Messrs Ashurst, Barron, Bates, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Doster, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McGill, Moores, Murphy, Norris, Norwood, Peguese,Peterson, Prince, Seawell, Shanks and Spruill.

Mr Bates moved that the House adjourn until to-morrow morning, ten o'clock.

Mr Speaker having decided the motion to be in order, the question was taken thereon and decided in the negative. Yeas 45—Nays 46.

Those who voted in the affirmative, are Messrs Speaker, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Peterson, Prince, Seawell, Shanks, Spruill and Young.

Those who voted in the negative, are Messrs Adams, Adrian, Alexander, Baker, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCallough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion. Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Bates moved that the House adjourn until to-morrow morning, ten o'clock; which was lost. Yeas 45—Nays 46.

Those who voted in the affirmative, are Messrs Speaker, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons Spruill and Young.

Those who voted in the negative, are Messrs Adams, Adrian, Alexander, Baker, Cobb, Davis of A. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Bates moved that the House adjourn until to-morrow morning, ten o'clock. Yeas 45—Nays 47.

Those who voted in the affirmative, are Messrs Speaker, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McGill, McLemore, Moores, Mitchell, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young.

Those who voted in the negative, are Messrs Adams, Adrian, Alexander, Baker, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Hutchinson moved that the House adjourn until to-morrow morning, at forty-five minutes after nine o'clock; which was lost. Yeas 46—Nays 47.

Those who voted in the affirmative, are Messrs Speaker, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young.

Those who voted in the negative, are Messrs Adams, Adrian, Alexander, Baker, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Jemison moved that the House adjourn until forty minutes after nine o'clock; which was lost. Yeas 46—Nays 47.

Those who voted in the affirmative, are Messrs Speaker, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young.

Those who voted in the negative, are Messrs Adams, Adrian, Alexander, Baker, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Jemison moved that the House adjourn until to-morrow morning, at thirty-five minutes after nine o'clock; which was lost. Yeas 47—Nays 47.

Those who voted in the affirmative, are Messrs Speaker, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young.

Those who voted in the negative, are Messrs Adams, Adrian, Alexander, Baker, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

The motion of Mr Morris to amend the amendment of Mr Moores, being under consideration,—

Mr Little moved that the House adjourn until to-morrow morning, ten o'clock; which was lost. Yeas 42—Nays 47.

Those who voted in the affirmative, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Fitzpatrick, Hall, Hunter, Hutchinson, Inge, Kidd, Langdon, Little, Mann, McAlpin, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson; Prince, Seawell, Shanks, Simmons, Spruill and Young.

Those who voted in the negative, are Messrs. Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

The resolution from the Senate, together with the amendment of Mr Morris to the amendment of Mr Moores, being under consideration,—

Mr McClanahan moved that the resolution do lie upon the table. The question having been taken on said motion, it was decided in the affirmative.

Mr Hutchinson moved that the House adjourn until to-morrow morning, ten o'clock; which was lost. Yeas 41—Nays 48.

Those who voted in the affirmative, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Kidd, Langdon, Little, Mann, McAlpin, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Spruill and Young.

Those who voted in the negative, are Messrs Adams, Adrian, Alexander, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Simmons, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Reynolds moved that the House adjourn until to-morrow morning, ten o'clock; and the question having been taken on said motion, it was decided in the affirmative, So the House adjourned.

SATURDAY, November 7, 1840.

The House met pursuant to adjournment.

Mr Bell presented the petition of sundry citizens of Conecuh county, praying the establishment of an election precinct; which was read and referred to the committee on privileges and elections.

Mr Winston of DeK. presented the petition of sundry citizens of De Kalb county, praying the passage of a law, authorizing the organization of a company beat with a less number of privates than forty; which was read and referred to the committee on military affairs.

Accounts were presented by Messrs Winston of DeK. Williams, McMillion of J. Fitzpatrick, Adams, Adrian, Mangum, Rice, and Stone; which were severally read and referred to the committee on accounts.

Mr Williams presented the report of the commissioners for the improvement of the navigation of Paint Rock river; which was read, laid upon the table and one hundred and twenty copies ordered to be printed for the use of the House.

Mr Wynn presented the petition of Matthew H. Roberts, a citizen of Limestone county, praying for relief as therein shown; which was read and referred to the committee on education.

Mr Wynn presented the petition of Samuel B. Lowry and his wife Mary M. E. S. Lowry, praying the passage of a law authorizing them to receive a division, (or a partial division) of the estate of James Golightly, who is insane; which was read and referred to the committee on the judiciary.

Mr Moore of Mad. presented the account of the State printers, furnished in compliance with the resolution of this House; which was read: ordered to lie upon the table, and one hundred and twenty copies thereof, be printed.

Message from the Senate by Mr Gordon.

Mr Speaker—The Senate has adopted the following resolution:

Resolved, That the committee on State printing, be instructed to have printed for the use of the Senate and House of Representatives, one hundred and thirty-five copies of the Penal Code, as presented by the judges of the Supreme Court, at the last session of the Legislature.

The Senate has passed a bill to be entitled, an act to incorporate the Torrent Fire Engine Company No. Five, of the city of Mobile, in which the concurrence of the House is requested: which was ordered to lie upon the table.

Mr Rice presented the petition of Hugh G. Barclay, of Talladega county, praying for relief, as therein shown; which was read and referred to the committee on propositions and grievances.

Mr Houston presented the report of the commissioners for improving the navigation of the Tombeckbee river, and also the evidence taken by said commissioners, on the claim of John M. Cooper; which were read, laid upon the table, and one hundred and fifty copies of the report, ordered to be printed.

Mr Speaker, laid before the House, the report of the President of the Bank of the State of Alabama, accompanied by a report from the cashier of the condition of said Bank; which was read, and on motion of Mr Baker, ordered to lie upon the table.

The House proceeded to consider the motion, heretofore made by Mr Strode, to reconsider the vote taken on the adoption of the resolution in regard to the Branch Bank, at Decatur, and the question having been taken on said motion, it was decided in the affirmative.

The constitutional rule having been dispensed with, the resolution was read the second time, and referred to a select committee, consisting of Messrs Strode, McClanahan, and Baker.

The bill from the Senate, to be entitled, an act to incorporate the Torrent Fire Engine Company No. Five, in the city of Mobile, was read the first time, and ordered to a second reading.

Ordered, that Messrs Crenshaw and Inge be added to the committee on the judiciary: Mr Stone, to the committee on accounts: Mr Garrett, to the committee on county boundaries: and Mr Perkins, to the committee on the State Bank and Branches.

The joint resolutions of the Legislature of New Jersey, in relation to the rejected members of Congress, from that State, were taken up and referred to the committee on the judiciary.

Mr Young called up the amendments heretofore offered by him, to the rules of the House; the amendment proposed to the ninth rule, was adopted.

The amendment proposed to the twenty-second rule, was read, and the question having been taken on the adoption of the same, it was decided in the negative. Yeas 45—Nays 49.

The yeas and nays were demanded, those who voted in the affirmative, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Spruill, and Young.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Baker, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass. Fowler. Garrett, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Mooore of mad. Moore of marion, Morris, Reynolds, Rice, Roberts, Saunders, Simmons, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Moore of adM. called up the amendment proposed by him to the nineteenth rule of the House.

Mr Morris moved to amend the amendment by inserting after the word 'house' the following 'or a reasonable time shall have expired between said motions after said adjournment, to be determined by the Speaker.'

Mr Bates moved that the amendment do lie upon the table; which was carried.

Mr Strode from the select committee, to which was referred the resolution in relation to the Decatur Branch Bank, reported a substitute; which was adopted in lieu of the original resolution, and the constitutional rule, requiring bills and joint resolutions to be read on three several days having been dispensed with, the resolutions were taken as engrossed, read the third time and passed. Ordered, that it be entitled 'joint resolution in relation to the Branch of the Bank of the State of Alabama, at Decatur,' and the same be sent to the Senate for its concurrence.

Ordered, that leave of absence be granted to Messrs. Murphy, Seawell, and Hunter, for a few days.

Mr Mitchell from the committee on enrolled bills reported as correctly enrolled:

A bill to be entitled, an act to change the time of holding the county court of Marengo county.

Mr Griffin of S. offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of making out a suitable form for the use of the commissioners of the several townships, in this State, in allowing their claims against the State of Alabama, for tuition under the provisions of a law passed at the last session of the Legislature entitled, 'an act to raise a school fund to aid the valueless sixteenth sections in this State,' and that the same be published in the newspapers in this State.

Mr Douglass moved the reference of the resolution to the committee on education; which was carried.

On motion of Mr Baker,

Resolved, That the Doorkeeper be instructed to have the grates taken out of the fire places, in this Hall, and have the same prepared for the use of wood.

The House adjourned until Monday morning at ten o'clock.

MONDAY, 9th November, 1840.

The House met pursuant to adjournment.

Mr Robert B. Campbell, a representative elect, from the county of Lowndes, appeared within the Hall of the House, was qualified and took his seat.

Mr Mann presented the petition of sundry citizens of the county of Pike, praying to be attached to the county of Barbour; which was read and referred to a select committee, consisting of the delegation from the counties of Barbour and Pike.

Mr Mann presented the petitions (or accounts) of Alfred Pugh; which was read and referred to the committee on accounts.

Mr Walker of L. presented the petition of sundry citizens of Lawrence county, praying the establishment of an election precinct therein named; which was read and referred to the committee on privileges and elections.

Mr Strode presented the petition of sundry citizens of the county of Morgan, praying for the relief of Africa Roundtree, wife of Thomas B. Roundtree, which was read and referred to a select committee, consisting of the delegation from the county of Morgan.

Mr Simmons presented the petition of sundry citizens of Pike county, praying the discontinuance and establishment of certain election precincts; which was read and referred to the committee on privileges and elections.

Mr Speaker laid before the House a communication from the cashier of the Bank of the State of Alabama, transmitting statements comprising the liability of the President and Directors and their securities; the indebtedness of the officers of the bank, and the indebtedness of each and every member of the General Assembly and their securities.

A statement of the notes and bills taken for advances on cotton which remain unsettled, together with a statement of each county, alphabetically arranged, of the indebtedness of each and every individual dealing with the bank, and by whom recommended; also, an account of current expenses since the 27th of November, 1839.

Which was read, and together with the accompanying documents laid upon the table.

Mr Crenshaw introduced a bill to be entitled an act to repeal in part an act entitled an act to regulate the proceedings of the courts and the compensation of witnesses in the counties of Lowndes, Talladega, Butler and others, approved January 9, 1840, which was read and ordered to a second reading.

Mr Moore of Marion introduced a bill to be entitled an act to locate the seat of justice for Marion county, and for other purposes, which was read and ordered to a second reading.

Mr Rice introduced a bill to be entitled an act to fix the time from which all acts of the General Assembly shall take effect, which was read and ordered to a second reading.

Mr Ashurst introduced a bill to be entitled an act to authorize the election of an assessor and tax collector for the county of Pickens, which was read and ordered to a second reading.

Mr McCullough introduced a bill to be entitled an act to incorporate the Church therein named, which was read and ordered to a second reading.

Mr Crenshaw introduced a bill to be entitled an act to explain and amend the laws concerning injunctions, orders, decrees, and other matters in chancery; which was read and ordered to a second reading.

On motion of Mr Morris,

Resolved, That the committee on the State Bank and Branches, be instructed to enquire and report to the House—

1st. The amount of the capital stock of the State Bank and Branches; also, the amount of stock owned by the State in any other banks.

2d. The amount of State debt incurred on account of bonds sold.

3d. The rate of interest said bonds bear, and at what time the same is payable, and what amount.

4th. At what period the principal due for State bonds sold, falls due, and the amount.

5th. What is the average yearly expenses of the State government, ordinary and extraordinary, including appropriations for schools and other objects.

6th. The average nett profits of the State Bank and Branches, from the year 1836 to the present period.

7th. The income of the State from all other sources.

Mr McMillion of J. offered the following preamble and resolution:

Whereas, the eighteenth section of a law in Aikin's Digest, at page two hundred and forty three, makes it obligatory on the sheriffs of this State to summon three constables to attend as bailiffs on the courts—And whereas, it very often happens that sheriffs labor under a difficulty in procuring efficient officers for that purpose—Be it therefore

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so altering the law as to authorize sheriffs to summon (should he think proper to do so) any three respectable citizens of his county, to serve as bailiffs, or three constables as is now required by law, with leave to report by bill or otherwise.

Which were adopted.

Mr Roberts introduced a bill to be entitled an act to appropriate the surplus funds in the county treasury of St. Clair county; which was read and ordered to a second reading.

Mr Morris offered the following resolutions:

Resolved, That the board of commissioners for the improvement of the Tombeckbee river, be required to furnish the house as soon as practicable, a detailed statement of the money or moneys expended by them on said river, including the account or accounts expended by the present, as well as the former board of commissioners.

Resolved further, That said commissioners in having said statement made, cause an account current to be rendered, of the expenditures for each and every year since the appropriation has been made; stating explicitly and separately in said account current, each and every item of expenditure, for what purposes expenditures have been made, how much for any and every specific object, designating particularly the amounts of moneys paid to any and every individual or individuals, stating the time when, and services for which such moneys have been paid.

Mr Rice introduced a bill to be entitled an act to discourage the pernicious practice of instituting trivial suits in courts of justice; which was read and ordered to a second reading.

Mr Adrian introduced a bill for the relief of Louisa Stewart, of Randolph county; which was read and ordered to a second reading.

Mr Langdon introduced a bill to incorporate the Factor's Cotton Press and Warehouse Company, of the city of Mobile; which was read and ordered to a second reading.

On motion of Mr Walker of B.

Resolved, That the doorkeeper be authorized to employ a brick mason, to raise the tops of the chimneys of the Representative Hall three feet higher, and to put an oval of sheet iron on them.

Mr McMillion of J. offered the following preamble and resolution:

Whereas, at a camp drill of the third brigade, seventh division of Alabama militia, held at Springville, in the county of St. Clair, on the —— of October last, a vote of the officers and soldiers who compose said drill, was taken on the expediency of repealing the laws so far as relates to said brigade, and unanimously decided in the affirmative:

Be it therefore Resolved, That the committee on military affairs be instructed to inquire into the expediency of repealing the law requiring brigade encampments, so far as relates to the third brigade, seventh division of Alabama militia, with leave to report by bill or otherwise; which were adopted.

Mr Moore of Mad. moved to take from the table the annual message of the Governor, delivered to the two Houses of the General Assembly, on the second day of the session; which was carried.

Mr Moore of Mad. moved that the message be referred to a committee of the Whole House on to-morrow; which was carried.

Mr Moore of Marion, offered the following preamble and resolution:

Whereas, it is the deliberate and well settled opinion of the members of this branch of the Legislature of Alabama, that the banking institutions of the State have failed to accomplish the great object for which they were created, inasmuch, as they have from time to time, suspended specie payments, in violation of good faith towards the people for whose benefit they were intended, and have contributed more than any thing else, to disturb that just equilibrium in trade, comparatively unknown where banks do not exist.

And whereas, we have the clearest proof in the previous management of the Banks of our State, that there is reason to anticipate an entire or partial loss of the capital stock employed in said Banks;

Therefore, be it Resolved, That the committee on the State Bank and Branches be instructed to inquire into the expediency of instituting measures to wind up the Branch Bank at Huntsville, the Branch Bank at Decatur, the Branch Bank at Montgomery, and the Branch Bank at Mobile; and to carry out generally, the spirit and meaning of this preamble, with due regard however, to the convenience and ability of debtors to said Banks, to experience such a change without material detriment or injury to such debtors, with leave to report by bill or otherwise.

Mr Hutchinson moved to amend by an additional resolution as follows:

And be it further resolved, That said committee be instructed to report a plan or plans for securing a sound currency for the people.

Mr Morris moved that the resolution of Mr Moore of Marion, do lie upon the table; which was carried.

On motion of Mr McMillion of J.

Resolved, That the committee on privileges and elections, be instructed to inquire into the expediency of abolishing the election precinct at Rock creek, in the county of Jefferson, and establishing in lieu thereof, one at Mud creek meeting house; and one at the house of Joseph Vines, junior, in said county.

On motion of Mr Mallard,

Resolved, That the committee on privileges and elections be instructed to inquire into the expediency of discontinuing the election precinct at the house of Eldridge Mallard, in the county of Walker, and establishing one in lieu thereof, at the house of Byrd McDonald.

Ordered, that Mr Winston of De Kalb be added to the committee on the judiciary.

The House adjourned until to-morrow, ten o'clock.

TUESDAY, NOV. 10, 1840.

The House met pursuant to adjournment.

Mr Walker of B. presented the petition of sundry citizens of Benton county, praying for the discontinuance of an election precinct; which was read and referred to the committee on privileges and elections.

Mr Walker of B. presented the account of F. Snow, jailor of Benton county; which was read and referred to the committee on accounts.

Mr Walker of B. presented the account of James N. Haden, for cleaning the public arms; which was read and referred to the committee on military affairs.

Mr McMillion of B. presented the petition of George Goff and sundry citizens of Blount county, praying the passage of a law authorizing the said George Goff to open and turpike a road therein named, which was read, and on motion of Mr McMillion of B. referred to a select committee, consisting of the delegation from the counties of Blount and Jefferson.

Mr Stone presented the petition of sundry citizens of Tallapoosa county, praying the establishment of an election precinct, which was read and referred to the committee on privileges and elections.

Mr Barron offered the following resolution:

Resolved, That the House will proceed forthwith to the election of a committee on their part, to act with such committee as may be chosen by the Senate, to examine into the condition of the Bank of the State of Alabama, which was adopted.

Whereupon Messrs McClanahan, Morris, and Walker of B. were elected said committee. Ordered, that the Clerk acquaint the Senate therewith.

A message was received from the Governor, by Mr Bagby, his private secretary.

EXECUTIVE DEPARTMENT,
November 10, 1840.

Sir—In compliance with the request of the Governor of Virginia, I have the honor to lay before the House of Representatives a preamble and resolutions of the General Assembly of Virginia, relative to the demand of the Executive of that State, upon the Executive of the State of New York, for the surrender of three fugitives from justice.

(Signed) A. P. BAGBY.

To the Hon. SAMUEL WALKER, Speaker of the House of Representatives.

Which was ordered to lie upon the table, and the preamble and joint resolutions of the General Assembly of Virginia, communicated with the message, was, on motion of Mr Baker, referred to the committee on the judiciary.

Mr Morris introduced a bill to be entitled an act to repeal a certain act therein named, which was read, and ordered to a second reading.

Mr Fitzpatrick introduced a bill to be entitled an act to define dower, which was read and ordered to a second reading.

Mr Roberts introduced a bill to be entitled an act to alter the place of holding the chancery court in the fifth district, which was read and ordered to a second reading.

Mr McCoy introduced a bill to be entitled an act for the relief of Andrew J. Dozier, of the county of Chambers, which was read and ordered to a second reading.

Mr Spruill introduced a bill to be entitled an act to establish an election precinct at bridgeville in the county of Pickens, which was read and ordered to a second reading.

Mr Williams introduced a bill to be entitled an act to compel the treasurer of Jackson county to make a full and explicit exhibit of the finances of said county, in each and every year, which was read and ordered to a second reading.

Mr Mangum introduced a bill to be entitled an act to authorize the election of a tax collector for the county of Russell, which was read and ordered to second reading.

On motion of Mr Randolph,

Resolved, That the committee on education be instructed to inquire into the expediency of providing by law, a system which will the more effectually procure competent teachers in the several twonships in this State, with leave to report by bill or otherwise.

Ordered, that Messrs Mitchell and Roberts be added to the committee on inland navigation.

Mr Adams, to the committe on county boundaries:

Mr McMillion of B. to the committee on enrolled bills:

Mr McGill, to the committee on divorce and alimony.

Mr McMillion of J. was released from serving as a member of the committee on state printing.

The House resolved itself into a committee of the whole, (Mr Moore of Mad. in the Chair,) on the annual message of the Governor, and after some time spent in consideration of the subject, the committee rose, Mr Speaker resumed the Chair, and Mr Chairman from the committee of the whole House, reported the following resolutions:

Resolved, That so much of the Governor's message, as relates to the State Bank and Branches, be referred to the committee on the State Bank and Branches.

Resolved, That so much of the Governor's message as relates to the adaptation of the criminal laws of the State, to the penitentiary system, be referred to the committee on the judiciary.

Resolved, That so much of the Governor's message as relates to the more perfect arrangement of the chancery courts, be referred to the committee on the judiciary.

Resolved, That so much of the Governor's message as relates to the militia laws of this State, be referred to the committee on the military.

Resolved, That so much of the Governor's message as relates to the expenditures of the State in the late Creek war, be referred to the committee on the military.

Resolved, That so much of the Governor's message as relates to education, be referred to the committee on education.

Resolved, That so much of the Governor's message as relates to the disposition manifested to interfere with the question of domestic slavery, in those States where it exists, be referred to the committee on the judiciary:

Resolved, That so much of the Governor's message as relates to the adoption of the general ticket system, be referred to the committee on privileges and elections.

In which report the House concurred.

On motion of Mr Crenshaw,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of abolishing the common law jurisdiction, of the county courts of this State.

Mr Saunders offered joint resolutions in relation to the supreme court decisions, which were read and ordered to a second reading.

Mr Morris moved to take from the table the report made to this House on yesterday, by the cashier of the Bank of the State of Alabama, which was carried, and the report, on motion of Mr Morris, referred to the joint examining committee on the State Bank.

On motion of Mr Morris,

Resolved, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at the house of Cyrian Cross; in the Weoqufka settlement, in the county of Coosa.

The House proceeded to consider the orders of the day.

The bill from the Senate to incorporate the Torrent Fire Engine Company, Number Five, of the city of Mobile, was read the second time, and on motion of Mr Bates, referred to a select committee, consisting of the delegation from the county of Mobile.

Bills of the following titles:

To locate the seat of justice for Marion county, and for other purposes: and

To appropriate the surplus funds in the county treasury of St. Clair county.

Were severally read the second time, and ordered to be engrossed for a third reading:

The bill to repeal in part, an act entitled an act to regulate the proceedings of the courts, and the compensation of witnesses in the counties of Lowndes, Talledega, Butler and others, approved January nine, eighteen hundred and forty, was read the second time.

Mr Rice moved to amend the bill by adding in the last line, after the word 'Butler,' the words 'and Talledega,' which was carried, and the bill as amended ordered to be engrossed for a third reading.

Bills of the following titles:

To discourage the pernicious practice of instituting trivial suits in courts of justice.

To fix the time from which all acts of the General Assembly shall take effect.

To incorporate the church therein named:

To explain and amend the laws concerning injunctions, orders, decrees, and other matters in chancery: and

For the relief of Louisa Stewart, of Randolph county:

Were severally read the second time, and referred to the committee on the judiciary.

The bill to be entitled an act to incorporate the Factor's Cotton Press and Warehouse Company, of the city of Mobile, was read the second time and referred to a select committee composed of the delegation from Mobile county, of which Mr Langdon is chairman.

The bill to be entitled an act to authorize the election of an assessor and tax collector for the county of Pickens, was read a second time, and on motion of Mr McGill, referred to a select committee consisting of the delegation from Pickens county.

Mr Inge moved that the House adjourn until to-morrow, ten o'clock; which was carried: Yeas 51—Nays 34.

The yeas and nays were demanded. Those who voted in the affirmative, are Messrs Ashurst, Baker, Barron, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Fitzpatrick, Griffin of S. Hall, Hollinger, Hutchinson, Inge, Jemison, Kidd, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Morris, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Reynolds, Saunders, Shanks, Simmons, Smith of L. Spruill, Strode, Winston of DeK. Wynn and Young.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Cobb, Douglass, Fowler, Griffin of J. Griffin of M. Hale, Hill, Houston, Hughs, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Provence, Pynes, Randolph, Rice, Roberts, Smith of J. Stone, Walker of B. Walker of L. Wann, Williams, Wilson and Winston of S.

So the House adjourned.

WEDNESDAY, November 11, 1840.

The House met pursuant to adjournment.

Accounts were presented by Messrs Davis of A. Norwood and McCoy, which were severally read and referred to the committee on accounts.

Mr Mann presented the petition of a large number of citizens praying for the establishment of a Branch of the Bank of the State of Alabama at Irwinton, in the county of Barbour; which was read, and on motion of Mr Mann, ordered, that the same do lie upon the table.

Mr Griffin of M. presented the petition of sundry citizens living in the north east part of Morgan county, praying to be attached to the county of Marshall; which was read and referred to the committee on county boundaries.

Mr Saunders, from the committee on the judiciary, to which was referred a bill to compensate witnesses in certain cases, reported that it is inexpedient to pass said bill.

Mr Roberts moved that the bill and report do lie upon the table; which was carried.

Mr Saunders, from the same committee, to which was referred the petition of Nancy Swain and Thomas G. Newbold, for an authority to make an exchange of certain town lots, in the town of Jacksonville, reported that it is inexpedient to legislate upon the subject.

Mr Bates moved that the report lie upon the table; which was carried.

Mr Saunders, from the same committee, to which was referred the petition of Samuel B. Lowry and Mary M. E. S. Lowry, praying the passage of a law authorizing them to receive a share of the estate of James Golightly, an insane person, reported that the prayer of the petition ought not to be granted; in which the House concurred.

Mr Saunders, from the same committee, to which was referred a resolution inquiring into the expediency of so altering the law, as to authorize sheriffs to appoint persons who are not constables, bailiffs to attend on the courts, reported that it is inexpedient to legislate on the subject.

Mr McMillion of J. moved that the report lie upon the table; which was carried.

Mr Morris, from the committee on divorce and alimony, to which was referred the record and decree of the chancery court holden at Columbiana, Shelby county, divorcing Herod Seale from his wife Sarah Seale, reported a bill to be entitled an act to divorce Herod Seale from his wife Sarah Seale; which was read and ordered to a second reading

Mr Morris, from the same committee, to which was referred the record and decree of the chancery court held for Mobile county, divorcing Sarah Welsh from her husband Dennis R. Welsh, reported a bill to be entitled an act to divorce Sarah Welsh from her husband Dennis R. Welsh; which was read and ordered to a second reading.

Mr Strode, from the select committee. to which was referred the petition of sundry citizens of Morgan county; praying for relief for Africa Roundtree, reported a bill to be entitled an act for the relief of Africa Roundtree; which was read and ordered to a second reading.

Mr Speaker laid before the House the minority report of Howel Rose, one of the commissioners appointed by the Governor, to examine the Branch of the Bank of the State of Alabama, at Montgomery; which was read and ordered to lie upon the table.

Mr Moore of Mad. offered the following resolution:

Resolved, The Senate concurring, that the two Houses of the General Assembly will assemble in the Hall of the House of Representatives, on Tuesday next, the seventeenth instant, at the hour of twelve o'clock, noon, for the purpose of electing a Senator in the Congress of the United States, to fill the vacancy occasioned by the expiration of the constitutional term of the Honorable William R. King, on the fourth of March next.

Which was adopted. Ordered, that the clerk acquaint the Senate therewith, and ask its concurrence.

Message from the Senate, by Mr Gordon.

Mr Speaker—The Senate has appointed a committee to act jointly with such committee as may be appointed by the House of Representatives, to investigate the transaction in relation to the mysterious abstraction of a leaf from the check book of the cashier of the Bank of the State of Alabama, as shewn by the report of a committee appointed by the President and Directors, and which accompanied the annual report of the President of the State Bank, and to give the joint committee appointed by the two Houses of the General Assembly, power to send for persons and papers, and qualify. Messrs Terry, Buford and Toulmin, are appointed the committee on the part of the Senate. In which the concurrence of the House of Representatives is requested.

The Senate has passed a joint resolution in relation to the Branch of the Bank of the State of Alabama, at Decatur, which originated in the House of Representatives.

The message and resolution was concurred in.

Whereupon, Messrs Moore of Mad. Mitchell and Williams, were appointed said committee on the part of the House. Ordered, that the clerk acquaint the Senate therewith.

Mr Stone introduced a bill to be entitled an act to authorize the tax collector and clerk of the county court of Tallapoosa county to receive in payment of public dues, certain certificates therein named; which was read and ordered to a second reading.

On motion of Mr Roberts,

Resolved, That so much of the Governor's message as relates to internal improvement be referred to the committee on inland navigation.

Mr Walker of L. introduced a bill to be entitled an act to explain an act entitled an act to appoint administrators in certain cases, approved Feb. 5, 1840; which was read and ordered to a second reading.

Mr Mann introduced a bill to be entitled an act to establish a Branch of the State Bank of Alabama, in the town of Irwinton, Barbour county; which was read and ordered to a second reading.

Mr Moore of Marion introduced a bill to be entitled an act to change the time of convening the General Assembly of the State of Alabama; which was read the first time and lost.

On motion of Mr Marchbanks,

Resolved, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at the house of Charles Betes, in the county of Fayette.

On motion of Mr Hale, it was

Resolved, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at the house of Robert Brown, on Ball Play Creek, in the county of Cherokee.

Mr Williams introduced a bill to be entitled an act to prevent free negroes or mulattoes from owning or carrying fire arms of any description; which was read a first time and ordered to a second reading.

Mr Jones offered the following resolution:

Resolved, That a select committee be appointed for the purpose of examing the transactions of the old and present board of commissioners, for improving the navigation of Tombeckbee river; including in their duties as said committee, the claims of John M. Cooper, referred by the present board of commissioners to the Legislature: that said committee have the power to send for persons and papers, and that they report to this House the result of their examination, by bill or otherwise.

Whereupon, on motion, it is ordered, that said committee consist of the delegation from the counties of Marengo, Sumter, Washington and Mobile, and that Mr Moores act as Chairman.

Ordered, that Mr Alexander be added to the committee on the military, and Mr Norwood to the committee on the State Bank.

Mr Adams introduced a bill to be entitled an act to authorize Henry Haynes to erect a toll bridge across Thompson's creek, in the county of Marshall; which was read a first time and ordered to a second reading.

On motion of Mr Roberts,

Resolved, That the committee on the State Bank be insructed to inquire into the expediency of appointing one or more suitable and responsible agents in each county in the State, for the purpose of superintending the business of the Banks in their respective counties, and of recommending all the bills and notes that may be presented to the Banks.

Mr Morris submitted the following preamble and resolutions:

Whereas, whenever institutions created for public and general utility, involving the discharge of high and responsible duties, intimately connected with the dearest interest of the whole people, do by any course of action, create, even the remotest suspicion or probability, that they will fail to carry out the end for which they were established, an occurrence which would be fraught with the most serious consequences; it then becomes the imperative duty of the Representatives of the people, in view of quieting the public mind, and to restore to such institutions that confidence which they deserve, or to correct any abuses which may exist in their management, to give the whole matter their anxious and deliberate consideration, and promptly apply such correctives as may best conduce to the full accomplishment of the great ends for which they were created:

Be it therefore Resolved, That the present mode of electing Directors of the Bank of the State of Alabama, and its several branches, by the General Assembly, is inconsistent with the skilful and impartial management of the same, and is rapidly tending to the consummation of a union of the monied and political power of this State—a measure destructive of the liberties of the people, and will ultimately end, if persisted in, that most horrible of all political curses, a monied despotism, with its usual offspring, direct taxation and oppression.

Be it further Resolved, That a committee be appointed, to consist of one member from each of the judicial districts of this State, to take this important matter into immediate consideration, and in view of the whole subject, to report to this House, a change in the mode of selecting bank directors for the several Banks of this State, that would, in their opinion, best promote their stability and usefulness, quiet the public mind, and sustain their reputation abroad, and that they report by bill or otherwise.

Mr Moore of mad. moved that the preamble and resolutions do lie upon the table.

Mr Moores moved that the further consideration of the preamble and resolutions be postponed until Monday next, and that they be made the special order for that day.

Mr Moore of Madison moved to postpone the further consideration of the preamble and resolutions, until the first Monday in December next: and the question having been taken on said motion, it was decided in the affirmative. Yeas 55—Nays 37.

The yeas and nays were demanded, those who voted in the affirmative, are *M*essrs Speaker, Adrian, Ashurst, Barron, Bell, Blackshear, Blount, Bowen, Broughton, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Doster, Fitzpatrick, Flemming, Fowler, Griffin of M. Hale, Hill, Hollinger, Hughs, Jemison, Jones, Kelly, *M*angum, *M*allard, *M*archbanks, *M*cAlpin, McClanahan, *M*cCoy, *M*cGill, *M*cLemore, *M*cMilllon of B. *M*itchell, *M*oore of mad. Norris, Norwood, Peguese, Perkins, Peterson, Prince, Pynes, Randolph, Saunders. Simmons, Spruill, Walker of B. Walker of L. Williams, Winston of S. and Young.

Those who voted in the negative, are *M*essrs Adams, Alexander, Baker, Bradley, Campbell, Dixon, Douglass, Garrett, Griffin of J. Griffin of S. Hall, Houston. Hutchinson. Inge, Kidd, King, Langdon, Little, *M*ann, *M*cCullough, *McM*illion of J. *M*oore of Marion, *M*oores, *M*orris, Provence, Reynolds, Rice. Roberts, Shanks, Smith of J. Smith of L. Stone, Strode, Wann, Wilson, Winston of DeK and Wynn.

On motion of Mr Davis of A.

Resolved, That the committee on the State Bank be requested to inquire into the propriety and expediency of dividing the capital stock of the Bank of the State of Alabama, at Decatur, equally, and locating one mostly of the same, in a branch bank of the State, at the town of Selma, in Dallas county, with leave to report by bill or otherwise.

Mr Hill introduced a bill to be entitled an act to amend an act in relation to sixteenth sections; which was read a first time and ordered to a second reading.

On motion of Mr Adams,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of abolishing separate chancery courts in this State, with leave to report by bill or otherwise.

On motion of Mr Fowler,

Resolved, That the committee on the judiciary be requested to inquire into the expediency of extending the jurisdiction of justices of the peace, in the collection of debts to one hundred dollars, instead of fifty dollars as now fixed by law, with leave to report by bill or otherwise.

On motion of Mr Wynn,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so altering the law in relation to executors and administrators, as to authorize them to sell by order of court, the land of deceased persons instead of appointing commissioners as the law now directs.

Mr Adams introduced a bill to be entitled, an act to authorize the tax collector for the county of Marshall, to receive jury certificates in payment for taxes due said county, which was read the first time and ordered to a second reading.

On motion of Mr Griffin of S.

Resolved, That the committee on education be instructed to inquire into the expediency of revising the several acts of the General Assembly of the State of Alabama, relative to sixteenth sections and school lands, and for the relief of sixteenth sections, so as to render them more easy of comprehension; with leave to report by bill or otherwise.

The House proceeded to consider the orders of the day.

Engrossed bills to be entitled,

An act to appropriate the surplus funds in the county treasury of St. Clair county:

An act to locate the seat of justice for the county of Marion, and for other purposes: and

An act to repeal in part an act entitled, an act to regulate the proceedings of the courts and the compensation of witnesses in the counties of Lowndes, Talladega, Butler and others, approved January 9th, 1840;

Were severally read the third time and passed. Ordered that they be entitled as above, and sent to the Senate for its concurrence.

The bill to be entitled an act to authorize the election of a tax collector fo the county of Russell, was read the second time.

On motion of Mr Mangum, it was referred to a select committee, consistin of the delegation from Russell and Macon counties.

The bill to be entitled an act to compel the treasurer of Jackson county t make a full and explicit exhibit of the finances of said county in each and every year, was read the second time, and ordered to be engrossed for a third reading.

The bill to be entitled an act for the relief of Andrew J. Dozier, of the county of Chambers, was read a second time and ordered to be engrossed for a third reading.

The bill to be entitled an act to alter the place of holding the chancery court in the fifth district, was read the second time and referred, on motion of Mr Roberts, to a select committee consisting of the delegations from the counties of St. Clair, Blount, DeKalb and Cherokee.

The bill to be entitled an act to repeal a certain act therein named, was read the second time, and referred to the committee on the State Bank and Branches.

Joint resolutions in relation to the Supreme Court decisions, was read the second time, and referred to the committee on the judiciary.

The bill to be entitled an act to establish an election precinct at Bridgeville, in the county of Pickens, was read the second time, and referred to the committee on privileges and elections.

The bill to be entitled an act to define dower, was read the second time, and referred to the committee on the judiciary.

Ordered that Mr Reynolds be added to the committee on the State Bank and Branches.

Ordered that Messrs Doster and Griffin of M., be added to the committee on accounts.

Ordered that Mr Rice be added to the committee on the judiciary.

The House adjourned until to morrow morning ten o'clock.

THURSDAY, November 12, 1840.

The House met pursuant to adjournment.

Mr Clemens, a representative from the county of Madison, appeared within the hall of the House, was qualified and took his seat

Mr Barron moved a reconsideration on the vote taken yesterday on the bill to change the time of convening the General Assembly, which was carried. The bill was then read the first time, and ordered to a second reading.

Mr Blackshear presented the petition of Benjamin C. Lansdelle, which was read and referred to the committee on internal improvement and inland navigation.

Mr Clemens presented the account of James W. Hill, which was read, and referred to the committee on accounts.

Mr Clemens presented a transcript of the record and proceedings, had in the prosecution of the State of Alabama, against Charles, a slave, for murder, which was read, and referred to the delegations from Madison and Limestone counties.

Mr Clemens presented the account of Joel Higgins, sheriff of Marshall county; which was read and referred to the delegation from the county of Marshall.

Mr Mitchell presented the account of Asa Wallis, which was read and refered to the committee on accounts.

Mr Speaker laid before the House a communication from Benjamin Walding and James M. Long, in relation to the Choctawhatchee river; which was read and referred to the committee on internal improvement and inland navigation.

Mr Saunders from the committee on the judiciary, to which was referred a bill to be entitled, an act to authorize the administrator of David Andrews, deceased, to make a title to real estate, reported that it was inexpedient to pass said bill.

Mr Wynn moved to lay the bill on the table, which was carried. Ordered that Mr Wynn have leave to withdraw the petition.

Mr Saunders, from the same committee, to which was referred a bill to be entitled an act for the relief of Sarah A. Harris, reported that it is inexpedient to pass the bill; in which the House concurred.

Mr Saunders, from the same committee, to which was referred a bill to be entitled an act to discourage the pernicious practice of instituting trivial suits in courts of justice, reported the same back to the house, as inexpedient.

Mr Winston of D. moved to amend by an additional proviso.

Mr Cobb moved to postpone indefinitely; which was carried.

A message was received from his Excellency, the Governor, by Mr Bagby, his Private Secretary.

EXECUTIVE DEPARTMENT,
Tuscaloosa, November 13, 1840.

Sir—I have the honor to inform the House of Representatives, that a vacancy has occurred in the Board of Trustees of the University of Alabama, by the resignation of William Richardson Esq. of the fourth judicial circuit.

A. P. BAGBY.

Hon. SAMUEL WALKER, Speaker of the House of Representatives.

Which was read and ordered to lie upon the table.

Mr Mitchell moved a reconsideration of the vote taken on the report of the judiciary committee, on the bill for the relief of Sarah A. Harris; which was carried. Ordered, that the bill lie on the table.

Mr Saunders, from the judiciary committee, to which was referred the bill for the relief of Louisa Stewart, reported the same back to the House with the following amendment: Strike out the word 'molestation,' and insert in lieu thereof; the word 'control;' in which the House concurred. Ordered, that the bill be engrossed for a third reading.

Mr Saunders, from the same committee, to which was referred a bill to be entitled an act to fix the time from which all acts of the General Assembly shall take effect, reported that it was inexpedient to pass the bill.

Mr Moore of MAD. moved that the report and bill lie upon the table; which was carried.

Mr Saunders, from the same committee, to which was referred a bill to incorporate the church therein named, reported that it was inexpedient to legislate on the subject.

Mr Moore of MAD. moved to let the report and bill lie upon the table; which was carried.

Mr Hill, from the committee on accounts and claims, to which was referred the accounts of W. J. Ellis, M. T. Ellis, Samuel Nunn and Thomas T. Gammage, reported a bill to be entitled an act making appropriations for the payment of certain claims against the State; which was read the first time and ordered to a second reading.

Mr Walker of Lawrence, from the committee on privileges and elections, to which was referred numerous petitions and resolutions, asking the abolishing and establishing of certain election precints, reported a bill to abolish and establish certain precincts therein named; which was read the first time and ordered to a second reading.

Mr Morris, from the committee on divorce and alimony, to which was referred the record and proceedings of the chancery court, held at Columbiana, to divorce Caroline Butts from her husband George W. Butts, reported a bill to divorce Caroline Butts from her husband, George W. Butts; which was read the first time, and ordered to a second reading.

Mr Morris, from the same committee, to which was referred the record and proceedings of the chancery court, held at Columbiana, divorcing Sarah A. Jones from her husband, Jonathan Jones, reported a bill to divorce Sarah A. Jones from her husband Jonathan Jones; which was read the first time and ordered to a second reading.

Mr Mangum, from the select committee, to which was referred a bill to be entitled an act to authorize the election of a tax collector in the county of Russell, reported a bill in lieu thereof, in which the House concurred. Ordered, that the same be engrossed for a third reading.

Mr Langdon, from the select committee, to which was referred a bill to incorporate the Factors' Cotton Press and Ware House company, in the city of Mobile, reported the same back to the House without amendment, and recommended its passage. Ordered, that the bill be engrossed for a third reading.

Mr Rice introduced a bill to amend a certain act therein named; which was read a first time and ordered to a second reading.

Mr Williams introduced the following resolution :

Resolved, That the committee on military affairs. be instructed to inquire into the order and condition of the public arms in this place : also, whether the location and character of the building now occupied as arsenal, is such as will insure the safe keeping of said arms; which was adopted.

Mr Bates moved to take from the table the record and proceedings of the chancery court, divorcing Gertrude Tankersly from her husband. Richard Tankerskerly; which was carried. Ordered, that the same be referred to the committee on divorce and alimony.

Mr Mann introduced a bill to define the duties of judges of the county courts, &c.; which was read the first time and ordered to a second reading.

Mr Moores moved to add an additional number to the select committee, to which was referred the claims of John M. Cooper; which was carried. Ordered, that Mr Jones be added to said committee.

Mr Langdon introduced a bill to incorporate the Poplar Grove company of the city of Mobile; which was read the first time and ordered to a second reading.

Mr King introduced a resolution, as follows :

Resolved, That the committee on education be instructed to inquire into the expediency of repealing so much of the fifth section of an act entitled an act to raise a school fund, to aid the valueless sixteenth sections in this State, as makes it obligatory on the part of the citizens of each township to subscribe in good faith, an amount equal to one third of the amount provided in said act.

Mr Williams introduced a bill to authorize justices of the peace to appoint overseers of roads, when vacancies may occur, after the regular appointments by the commissioners courts; which was read the first time and ordered to a second reading.

Mr Crenshaw introduced a bill to be entitled an act to alter and amend the laws for assessing and collecting the taxes in the county of Butler; which was read the first time and ordered to a second reading.

Mr Adrian introduced a bill to be entitled an act authorizing the county judges and commissioners of roads and revenue, to assess and collect a tax to defray county claims in the county of Randolph; which was read the first time and ordered to a second reading.

Mr Winston of DeK. introduced a joint resolution, as follows:

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the following amendment to the Constitution of the State of Alabama, be proposed to the people of said State; which when agreed to by a majority of all the citizens of said State, voting for representatives and ratified by two thirds of each House of the next General Assembly, voting by yeas and nays, shall be valid to all intents and purposes whatever, as part of the constitution of the State of Alabama, to wit: strike out 'fifty,' in the tenth section of the fifth article, and insert in lieu thereof, 'one hundred,' which was read the first time and ordered to a second reading.

The House then proceeded to the orders of the day.

Engrossed bill for the relief of Andrew J. Dozier, of the county of Chambers, was read, and on motion of Mr Young, was referred to the judiciary committee.

Engrossed bill to compel the treasurer of Jackson county, to make a full and explicit exhibit of the finances of said county, in each and every year, being under consideration, Mr Jemison moved to refer the same to the judiciary committee, which was carried.

The bill to be entitled an act to explain an act entitled an act to appoint administrators in certain cases, approved February fifth, 1840, was read the second time, and referred to the judiciary committee.

The bill to authorize the tax collector and clerk of the county court of Tallapoosa county, to receive in payment of public dues certain certificates therein named, was read the second time, and referred to the judiciary committee

The bill to authorize Henry Haynes to erect a toll bridge across Thompson's Creek in the county of Marshall:

The bill to divorce Sarah Welsh from her husband Dennis R. Welsh: and

The bill to divorce Herod Seal from his wife Sarah Seal: were severally read the second time, and ordered to be engrossed for the third reading.

The bill for the relief of Africa Roundtree.

The bill to authorize the tax collector for the county of Marshall, to receive jury certificates in payment for taxes due said county: and

A bill to prevent free negroes and mulattoes from owning or carrying fire arms of any description: were severally read the second time, and referred to the committee on the judiciary.

The bill to establish a Branch of the Bank of the State of Alabama, at Irwinton, in Barbour county, was read the second time and referred to the committee on the State Bank and Branches.

Mr Speaker laid before the House a communication from J. C. Van Dyke, the accounts of the sheriffs of Sumter and Lauderdale counties, and the account of the jailor of Limestone county. Ordered, that the communication lie on the table, and that the accounts be referred to the committee on accounts.

Mr Barron offered the following resolution:

Resolved, That the committee on inland navigation, be instructed, and are hereby authorized to investigate the manner in which the appropriations for the Coosa river and the Black Warrior, has been expended, what improvement has been made in said rivers, by the appropriations, how much money has been expended in the improvement of said rivers, and that said committee report to this House by bill or otherwise.

Ordered, that leave of absence be granted to Mr Winston of Sumter, for an indefinite period.

Mr Simmons introduced a bill to change the mode of assessing and collecting the taxes of Pike county; which was read the first time, and ordered to a second reading.

Mr Spruill introduced the following resolution:

Resolved, That the committee on the judiciary, be requested to inquire into the expediency of so altering and amending the law in relation to chancery courts, that one chancery court may be holden in each county in this State annually, with leave to report by bill or otherwise.

Which was adopted.

Then the House adjourned until to-morrow ten o'clock.

Friday, November 13th, 1840.

The House met pursuant to adjournment.

Mr Waker of B. moved that Mr Garrett, the principal clerk of this House be excused for a few days, on account of domestic afflictions; which was carried.

Mr Cobb presented the petition of James W. Roberts and others; which on motion, was referred to the delegation from Fayette and Marion counties.

Mr Inge presented the petition of W. D. Moore and others; which, on motion was referred to the committee on the judiciary.

Mr Speaker laid before the House a communication from the cashier of the Branch of the Bank of the State of Alabama, at Montgomery, several statements required to be furnished by the act of February 1st, 1839.

Mr Hutchinson moved that the communication and statements lie on the table; which was carried.

Mr Moore of Mad. moved that a committee be raised to consist of three members, to superintend the printing of said statements, except the statement of the cashiers, detailing the liabilities of all the debtors to the State Bank and Branches, and that one hundred and fifty copies of the same be ordered to be printed; which was carried. Whereupon Messrs Moore of Mad. Walker of L. and Wynn, were appointed said committee.

A message was received from the Senate by Mr Hill.

Mr Speaker—The Senate has elected Messrs Hall, Turner, and Reese a joint examining committee on the part of the Senate, to act with the committee elected by the House of Representatives, to examine into the condition of the Bank of the State of Alabama.

I am directed by the Senate, to transmit to the House of Representatives a statement of the discounted notes running to maturity, at the Branch of the Bank of the State of Alabama, at Mobile.

The Senate has concurred in the resolution of the House of Representatives proposing that the two Houses assemble in the Hall of the House, on Tuesday the 17th instant, for the purpose of electing a Senator to the Congress of the United States, to supply the place of the Hon. William R. King, whose term of service expires on the fourth of March next.

The Senate has adopted the following resolution:

Resolved by the Senate, That with the concurrence of the House of Representatives, there be created a joint committee to consist of five members on the part of the Senate and ten on the part of the House of Representatives, to which shall be referred all matters relating to the chancery courts of this State. Messrs Thornton, Rice, Phillips, Wilson of F. and Lea, were appointed said committee.

The Senate has passed bills of the following titles, to wit:

An act to change the name of John Chesley and Catharine Rogers, and to make them the lawful heirs of John G. Tartt, of Monroe county:

An act to authorize the election of assessor and tax collector for the county of Benton.

The Senate has passed a joint memorial of the General Assembly of the State of Alabama, to the Congress of the United States, in relation to a land district in the the Cherokee nation. In which the concurrence of the House of Representatives is requested.

The question was first taken on concurring with the resolution from the Senate, and decided in the affirmative: whereupon Messrs Young, Clemens, Walker of L. Williams of J. Rice, Hutchinson, Inge, King, Davis of B. and Bates were appointed the committee on the part of the House.

The bill from the Senate, to change the name of John Chesley and Catharine Rogers, and to make them lawful heirs of John G. Tartt of Monroe county, was read the first time and ordered to a second reading.

The bill from the Senate, to authorize the election of an assessor and tax collector for the county of Benton, was read the first time, and ordered to a second reading.

A joint memorial from the Senate, to the Congress of the United States, was read the first time, and ordered to a second reading.

Mr Speaker laid before the House a communication from the committee of the Baptist State Convention on the subject of intemperance; which was read and referred to the committee on propositions and grievances.

Mr Mitchell from the committee on enrolled bills, reported as correctly enrolled: joint resolution in relation to the Branch of the Bank of the State of Alabama, at Decatur.

The committee on education, to which was referred the petition of Matthew H. Roberts, reported that it was inexpedient to legislate on the subject: Mr Wynn moved that the report lie on the table; which was carried.

Mr Bradley from the committee to which was referred the petition of sundry citizens of Morgan county, praying to be attached to the county of Marshall, reported a bill to attach a part of Morgan county to the county of Marshall

Mr Spruill from the select committee to which was referred a bill to authorize the election of assessor and tax collector for the county of Pickens, reported a substitute in lieu thereof; which was agreed to, and the bill ordered to be engrossed.

Mr Walker of B. from the committee on military affairs, to whom was referred a resolution inquiring into the expediency of the law, requiring brigade encampments, so far as relates to the third brigade and seventh division of Alabama militia, reported that it was inexpedient to legislate on the subject, so far as the third brigade and seventh division was concerned; Mr Roberts moved that the report lie upon the table.

Mr Griffin of M. from the select committee, to which was referred the account of Joel Higgins, reported the same back to the House, and recommended its reference to the committee on accounts: in which report the House concurred.

Mr Hill from the committee on accounts, to which was referred the account of Thomas Alford, sheriff of St. Clair county, reported that it was not properly a State charge: Mr Roberts moved that the report lie on the table. Ordered, that Mr Roberts have leave to withdraw the account.

Mr Garrett offered the following resolution:

Resolved, by the House of Representatives with the concurrence of the Senate, That the two Houses will convene in the Hall of the House of Representatives, on Tuesday next, at twelve o'clock noon, for the purpose of electing a judge of the county court of Cherokee county, to fill the vacancy occasioned by the removal from the United States of the Hon. George Birdwell, the late judge of said court. Which was adopted.

Ordered, that Mr Provence be added to the committee on the State Bank and Branches.

Mr Moores offered the following joint resolution:

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the following amendment to the constitution of the State of Alabama, be proposed to the people of said State, which, when agreed to by a majority of all the citizens of said State, voting for Representatives, and ratified by two thirds of each House of the next General Assembly, voting by yeas and nays, shall be valid to all intents and purposes whatever, as a part of the constitution of the State of Alabama, to wit: in the second section, third article, strike out the words 'every year' and insert in lieu thereof, 'every two years,' in section twenty three of article the fourth, strike out the word 'annually' and insert in lieu thereof the word 'biennially.'

Which was read the first time, and ordered to a second reading.

Mr McLemore offered the following resolution:

Resolved, That the committee on military affairs be requested to inquire into the expediency of repealing the late militia law so far as holding camp drill musters in each brigade, and report by bill or otherwise. Which was adopted.

Mr Saunders introduced a bill for the relief of Thomas S. Bibb of Lawrence county:

Mr Morris introduced a bill to repeal an act entitled an act, to incorporate the Wetumpka Insurance and Trust Company of the State of Alabama.

Mr Hale introduced a bill to repeal a part of the first section of an act entitled an act for the benefit of the setlers on the public lands within the limits of the State of Alabama, approved February three, eighteen hundred and forty.

Which were severally read the first time and ordered to a second reading.

Ordered, that Mr King of Lawrence, be added to the committeee on State

Bank and Branches, and that Mr Houston be added to the committee on inland navigation.

Mr Morris moved to take from the table the penitentiary code, which was carried.

Mr Moores moved to take from the table the documents relating to the transaction between the Tombeckbee comissioners and John M. Cooper, and that they be referred to a select committee raised for that purpose, which was carried.

Mr Young moved that the same be laid on the table.

Mr Fowler introduced a bill to repeal in part, and amend the sixth section of an act giving priority and lien of executions.

Mr Inge introduced a bill to secure the more speedy collection of debts against incorporated companies.

Mr Wilson introduced a bill to repeal in part, an act therein named.

Mr Hall introduced a bill to establish and abolish certain election precincts therein named.

Which were severally read the first time and ordered to a second reading.

Mr Rice moved to take from the table a bill for the relief of Sarah A. Harris, which was carried, and the bill ordered to be engrossed for a third reading.

Mr Mann moved to take from the table a petition of sundry citizens of Barbour county, praying the establishment of a Branch of the Bank of the State of Alabama, at Irwinton, in Barbour county, which was carried, and the petition referred to the committee on the State Bank and Branches.

Mr Clemens introduced a bill to repeal an act entitled an act to suppress the evil practice of carrying weapons secretly, which was read the first time and ordered to a second reading.

The House then proceeded to the consideration of the orders of the day.

The engrossed bills,

To divorce Herod Seale from his wife Sarah Seale: and

The bill to divorce Sarah Welsh from her husband Dennis R. Welsh.

Were severally read the third time and passed. Ordered, that the titles be as above, and that the same be sent to the Senate for its concurrence.

The engrossed bill to authorize Henry Haynes to erect a toll bridge across Thompson's creek, in the county of Marshall, was read the third time.

Mr Winston of De Kalb moved to amend by way of engrossed rider, as follows: after the word 'Marshall' in the second section, insert the words 'and De Kalb, which was lost, and the bill passed.

The engrossed bills,

For the relief of Louisa Stewart, of Randolph county, was read the third time and passed. Ordered, that the same be sent to the Senate for its concurrence.

The bill to alter and amend the laws for assessing and collecting the taxes in the counties of Butler: and

The bill authorizing the county judge and commissioners of roads and revenue, to assess and collect a tax to defray county claims in the county of Randolph.

Were severally read the second time and ordered to a third reading.

The joint resolutions heretofore offered by Mr Winston of DeK. were read the second time, and on motion of Mr Douglass, was referred to the judiciary committee.

The bill to change the mode of assessing and collecting the taxes of Pike county, was read the second time and ordered to be engrossed for a third reading.

The bill to change the time of convening the General Assembly of the State of Alabama, was read the second time.

Mr Morris moved to refer the bill to a select committee, consisting of one member from each judicial circuit; whereupon Messrs Morris, Walker of B. Ashurst, Mallard, Crenshaw, Clemens, Saunders, Jemison, Campbell and Hall were appointed said committee.

The bill making appropriations for the payment of certain claims against the State, was read the second time and on motion of Mr McLemore, was recommitted to the committee on acconnts.

The bill to abolish and establish certain election precincts therein named, was read the second time, and on motion of Mr Davis of A. was referred to the committee on privileges and elections.

The bill to divorce Caroline Butts from her husband George W. Butts, and the bill to divorce Sarah A Jones from her husband Jonathan Jones, were read the second time and ordered to be engrossed for a third reading.

The bill to amend a certain act therin named, was read a second time, and on motion of Mr Davis of A. referred to the committee on accounts.

Mr Griffin of M. moved for a reconsideration of the vote, which was carried and the bill ordered to be engrossed.

The bill to define the duties of judges of county courts, was read the second time, and on motion of Mr McAlpin, was referred to the judiciary committee.

The bill to incorporate the Poplar Grove Company of the city of Mobile, was read the second time.

Mr Moore of Mad. moved to amend by an additional section.

Mr Saunders moved to refer the bill and proposed amendment to the delegation from Mobile county, which was carried.

The bill to authorize justices of the peace to appoint overseers of roads, when vacancies may occur after the regular appointments by the commissioners court, was read the second time, and on motion of Mr Winston of D. was referred to the committee on roads, bridges and ferries.

And the House adjourned until to-morrow morning, ten o'clock.

SATURDAY, November 14, 1840.

The House met pursuant to adjournment.

On motion of Mr Walker of B.

Resolved, That the assistant clerk of this House be authorized to employ, during the absence of the principal clerk, such assistance as may be necessary to transact the business of the House.

Whereupon, Charles D. Connor of Marengo county, was appointed, was qualified, and entered upon the duties of the office.

Mr Baker presented the petition of sundry citizens of Franklin county, in relation to the purchase of University lands; which was referred to the judiciary committee.

Mr McAlpin presented the petition of Benjamin Gullett; which was referred to the committee on accounts snd claims.

Mr Griffin of M. presented the petition of sundry citizens of Marshall county; which was, on motion, referred to the delegation of Marshall county.

Mr Bates presented the petition of sundry citizens of Mobile county, near Albaris' ferry; which was referred to the committee on privileges and elections.

Mr Mangum presented the petition of Catherine E. Owen; which was referred to the committee on propositions and grievances.

Mr Saunders, from the judiciary committee, to which was referred a bill to be entitled an act to explain an act entitled an act to appoint administrators in certain cases, reported the same without amendment, and the bill was ordered to be engrossed for a third reading.

Mr Saunders from the same committee, to which was referred a resolution inquiring into the expediency of extending the jurisdiction of justices of the peace from fifty to one hundred dollars, in the collection of debts, reported that a law providing for such an extension, would be unconstitutional, and that they did not feel themselves authorized to consider the expediency of making a change in the constitution, as no such reference had been made to said committee; which was, on motion, laid on the table.

Mr Saunders, from the same committee, to which was referred the resolution directing them to inquire into the expediency of altering the law in relation to executors and administrators, authorizing them to sell by order of court, reported that it was inexpedient to pass such a law; in which the House concurred.

Mr Saunders, from the same committee, to which was referred the bill to define dower, reported the same as inexpedient.

Mr Davis of A. moved to indefinitely postpone the bill; which was carried. Yeas 54—Nays 31.

Those who voted in the affirmative, are Messrs Speaker, Adams, Alexander, Ashurst, Barron, Bates, Bell, Bowen, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davis of A. Doster, Douglass, Fowler, Garrett, Griffin of J. Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hughs, Hutchinson, Inge, King, Langdon, McAlpin, McGill, McLemore, McMillion of B. Moore of Mad. Moore of Marion, Perkins, Peters, Peterson, Prince, Provence, Randolph, Roberts, Saunders, Smith of J. Smith of L. Strode, Walker of L. Wann, Williams, Wilson, Winston of DeK. Wynn and Young.

Those who voted in the negative, are Messrs Adrian, Baker, Blount, Bradley, Davis of B. Davis of L. Dixon, Fitzpatrick, Flemming, Jemison, Jones, Kelly, Mangum, Mallard, Mann, Marchbanks, McClanahan, McCoy, McCullough, Mitchell, Moores, Morris, Norris, Norwood, Peguese, Reynolds, Shanks, Simmons, Spruill, Stone, Strode and Walker of B.

Mr Davis of A. from the committee to which was referred the bill for the relief of Africa Roundtree, reported the same with an amendment, to wit: after the word 'molestation,' insert the word 'control;' in which the House concurred, and the bill was ordered to be engrossed for a third reading.

Mr Davis of A. from the committee to which was referred the joint resolutions in relation to the reports of the Supreme Court, reported the same back to the House, and recommended their passage, and the resolutions were ordered to be engrossed for a third reading.

Mr Saunders, from the same committee, to which was referred so much of the Governor's message as relates to the chancery courts; and also the resolution inquiring into the expediency of abolishing the chancery courts, reported the same back to the House, with a recommendation that they be referred to the joint committee raised by both Houses of the General Assembly, for the purpose of taking cognizance of all matters relating to the same; in which the House concurred, and the resolutions were so referred.

Message from the Senate by Mr Gordon:

Mr Speaker—The Senate have passed bills of the following titles, viz:

An act to repeal in part an act incorporating the city of Wetumpka;

An act prescribing the mode of filling vacancies in the office of clerk of the circuit court:

An act further to regulate the proceedings in chancery in certain cases.

The Senate have adopted the following resolution, viz:

Resolved, That the House of Representatives be respectfully requested to transmit to the Senate the engrossed copy of the criminal code, passed by the Senate at the last session of the Legislature, in order that their immediate action may be had thereon, thereby facilitating the business of both Houses of the General Assembly:

In all of which the concurrence of the House, is respectfully asked.

Engrossed bill entitled an act to repeal in part an act incorporating the city of Wetumpka, was read and ordered to a second reading.

Engrossed bill from the Senate, entitled an act prescribing the mode of filling vacancies in the office of clerk of the circuit court, was read a first time and ordered to a second reading.

Engrossed bill from the Senate entitled an act further to regulate proceedings in chancery in certain cases, was read and ordered to a second reading.

The resolution from the Senate, requesting the engrossed copy of the criminal code, was taken up and concurred in.

Mr Hill, from the committee on accounts and claims, to which was referred the account of Thomas W. Huey, reported that at the last session of the Legislature, the claims had been provided for, but owing to a mistake the claims had not been paid, that there was now before the House a bill to explain the said mistake; and asked leave to be discharged from the further consideration of the same; in which the House concurred.

Mr Morris, from the committee on divorce and alimony, to which was referred the record and proceedings of the chancery court, held in Mobile, divorcing Gertrude Tankersly from her husband Richard Tankersly, reported a bill to be entitled an act to divorce Gertrude Tankersly from her husband Richard Tankersly; which was read and ordered to a second reading.

Mr Garrett introduced a bill to be entitled an act to repeal in part an act entitled an act to attach a part of Benton to Talladega county, and for other purposes, approved, December 23, 1836; which was read and ordered to a second reading.

Mr Williams offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency and constitutionality of so amending the laws of this State, as that the property, real and personal, belonging to females previous to their marriage, and such as may afterwards come to them by their friends, shall not be liable for the debts of their husbands, without the consent of the wife, with leave to report by bill or otherwise; which was adopted.

Mr Davenport offered the following resolution, viz:

Whereas, the credit of the State of Alabama has been pledged for the resumption and payment of all notes issued by the branch of the Bank of the State of Alabama at Mobile, and all debts contracted by said bank, and as any loss accruing to the State in the management of said bank, must be sustained principally by the great agricultural interest, and as the condition of the said branch clearly manifests the incompatibility of the present system with the purposes and objects of commerce:

Be it therefore Resolved, That a committee be appointed to inquire into the propriety and expediency of removing the said branch from Mobile.

Be it further Resolved, That said committee inquire into the expediency of transferring to the Planters and Merchants' Bank of Mobile, such an amount of the stock of said branch as may enable the State to hold two fifths of the stock of the said Planters and Merchants' Bank.

And be it further Resolved. That said committee inquire into the expediency of removing a portion of the stock of said branch bank to Demopolis for the purpose of there establishing an office of discount and deposit; and that they have leave to report by bill or otherwise:

Which being under discussion, Mr Speaker announced the hour of twelve o'clock as having arrived.

The house proceeded to the orders of the day.

Engrossed bill to be entitled an act to change the mode of assessing and collecting the tax in Pike county, was read the third time and passed the House. Ordered, that the title be as above.

Engrossed bill to be entitled an act to authorize the judge of the county court and commissioners of roads and revenue, to assess and collect the tax to defray county claims, in Randolph county, was read the third time and passed the House.

Engrossed bill to be entitled an act for the relief of Sarah A. Harris, was read the third time and passed.

Engrossed bill to be entitled an act to divorce Sarah A. Jones from her husband Jonathan Jones, was read a third time and passed.

Engrossed bill to be entitled an act to amend a certain act therein named, was read a third time and passed.

Engrossed bill to be entitled an act to alter and amend the laws for the assessing and collecting the taxes in the county of Butler, was read a third time and passed.

Engrossed bill to be entitled an act to incorporate the Factors' Cotton Press and Warehouse Company of Mobile, was read.

Mr Jemison moved to refer the bill to the judiciary committee.

Mr Clemens moved to amend the bill by an additional section, viz:

Be it further enacted, That the private property of each stockholder in said corporation, shall be liable for the debts of the said corporation.

Mr Moore of Madison, moved to amend by an additional section:

And be it further enacted, That the said corporation shall not directly or indirectly exercise banking privileges.

Which amendments were, together with the bill, committed to the committee on the judiciary.

On motion of Mr Douglass, the House adjourned until ten o'clock on Monday morning.

Monday, November 16th, 1840.

The House met pursuant to adjournment.

Mr Hall presented the petition of sundry citizens of Baldwin county, relative to the appointment of a judge of the conuty court, which on motion was laid on the table.

Mr Norwood presented the petition of sundry citizens of the second judicial circuit, which on motion, was laid on the table.

Mr Baker presented the petition of sundry citizens of Franklin county, which was on motion, referred to the committee on education.

Mr Griffin of M. presented the petition of sundry citizens of Marshall county, in relation to the seat of justice, which was referred to a committee consisting of the delegation from Marshall.

Mr McGill presented the petition of sundry citizens of Pickens county, relative to the jurisdiction of justices of the peace, which was referred to the judiciary committee.

Mr Stone presented the account of Peter L. Neal, which was referred to the committee on accounts.

*M*r Houston presented the petition of H. L. Y. Moss, which was referred to the committee on roads, bridges and ferries.

Mr Wynn from the select committee to which was referred the bill to be entitled, an act to authorize justices of the peace to appoint overseers of roads, when vacancies may occur after the regular appointment by the commissioner's court, reported the same without amendment, which was ordered to be engrossed for a third reading.

Mr Cobb from the select committee, to which was referred the petition of sundry citizens of Fayette county, to raise the fees of constables, reported the same as inexpedient, in which the House concurred.

Mr Clemens from the select committee, to which was referred the account of Elizabeth White, administratrix of James White, reported the same back to the House, with a recommendation that the same be referred to the committee on accounts and claims; which was concurred in, and the petition was so referred.

Message from the Senate by Mr Gordon:

Mr Speaker—The Senate have passed a bill from the House, entitled an act to repeal in part an act entitled an act to regulate the proceedings of courts and the compensation of witnesses in the counties of Lowndes, Butler, Talladega and others, approved Jan. 9, 1810.

The Senate have concurred in the resolution of the House, proposing to assemble in the hall of the house for the purpose of electing a judge of the county court of Cherokee county, on Tuesday next, and have amended the same by striking out the word Tuesday, and inserting in lieu thereof, Wednesday; and have amended it further by adding, and also a judge of the circuit court, and a solicitor for the tenth judicial circuit; in which the concurrence of the house is asked.

The house concurred in the first amendment of the Senate to their resolution to elect a judge for Cherokee county court, but refused to concur in the second amendment, to elect a judge and solicitor for the tenth judicial circuit.

Mr Bates moved to strike out so much as relates to a judge of the tenth judicial circuit.

Mr McClanahan so much as relates to the solicitor for the same, in which the House concurred.

The *H*ouse then resumed the consideration of the resolution in relation to the division and removal of the Branch Bank at Mobile.

Mr Moore of Madison, moved that they lie on the table, which was lost. Yeas 37—Nays 55.

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Bowen, Campbell, Cobb, Davis of A., Davis of L., Dixon, Douglass, Fitzpatrick, Fowler, Griffin of M. Hall, Hughs, Kelly, King, Langdon, Mallard, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore, Moore of Mad. Provence, Randolph, Reynolds, Saunders, Simmons, Smith of L. Walker of B. Walker of L. Williams and Wynn.

Those who voted in the negative, are Messrs Ashurst, Baker, Bates, Bell, Blackshear, Bradley, Broughton, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Doster, Flemming, Garrett, Griffin of J. Griffin of S. Hale, Hill, Hollinger, Houston, Hutchinson, Inge, Jemison, Jones, Kidd, Little, Mangum, Mann, Marchbanks, McMillion of B. McMillion of J. Mitchell, Moore of Marion, Moores, Morris, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Pynes, Rice, Roberts, Seawell, Shanks, Smith of J. Spruill, Strode, Wann, Wilson, Winston of DeK. and Young.

Mr Young moved to take the question upon the resolution, without the preamble, which was carried.

Mr Bates moved to take the question on each resolution separately, which was carried. Yeas 52—Nays 39, on the adoption of the first resolution.

Those who voted in the affirmative, are Messrs Adams, Alexander, Ashurst, Baker, Barron, Blackshear, Bradley, Broughton, Clemens, Cobb, Davenport, Davidson, Davis of B. Griffin of J. Griffin of S. Hale, Hill, Hutchinson, Jemison, Jones, Kidd, King, Little, Mann, Mitchell, McMillion of B. McMillion of J. Moore of Marion, Moores, Morris, Norris, Norwood, Peguese, Perkins, Peterson, Provence, Pynes, Randolph, Rice, Roberts, Saunders, Seawell, Shanks, Smith of J. Smith of L. Spruill, Stone, Wann, Williams, Wilson, Winston of DeK. and Young.

Those who voted in the negative, are Messrs Speaker, Adrian, Bates, Bell, Bowen, Campbell, Crenshaw, Davis of A. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Griffin of M. Hall, Hollinger, Houston, Hughs, Inge, Kelly, Langdon, Mangum, Mallard, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore, Moore of Mad. Murphy, Prince, Reynolds, Simmons, Strode, Walker of B. Walker of L. and Wynn.

The question was then taken on the second resolution, and lost. Yeas 42—Nays 49.

Those who voted in the affirmative, are Messrs Adams, Ashurst, Baker, Bates, Blackshear, Bradley, Broughton, Davenport, Davis of A. Davis of B. Dixon, Doster, Griffin of B. Griffin of S. Hollinger, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Little, Mangum, Mann, Mitchell, Moore of Marion, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Pynes, Rice, Roberts, Seawell, Shanks, Spruill, Stone and Young.

Those who voted in the negative, are Messrs Speaker, Adrian, Alexander, Barron, Bell, Bowen, Campbell, Clemens, Cobb, Crenshaw, Davidson, Davis of L. Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M. Hale, Hall, Hill, Houston, Hughs, Kelly, King, Mallard, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McMillion of J. Moore of Mad. Morris, Provence, Randolph, Reynolds, Saunders, Simmons, Smith of J. Smith of L. Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. and Wynn.

Mr Langdon called for the yeas and nays on the third resolution.

Mr Davenport moved to amend the resolution.

Mr Speaker announced the hour of twelve.

Mr Rice moved to suspend the orders until the resolution was disposed of, which was lost.

Mr Morris moved to suspend the orders, to introduce the bill regulating punishments under the criminal code, which was lost.

The House then proceeded to the orders of the day.

The engrossed bill to be entitled an act to authorize the election of tax collector in Russell county, was read the third time and passed.

Engrossed bill to be entitled an act in relation to the Supreme Court decisions, was read a third time and passed.

Engrossed bill to be entitled an act for the relief of Africa Roundtree, was read a third time and passed.

Engrossed bill to be entitied an act to alter the mode of assessing and collecting the taxes for the county of Pickens, and for other purposes, was read the third time and passed.

Engrossed bill to be entitled an act to divorce Caroline Butts from her husband George W. Butts, was read the third time and passed.

Engrossed bill to be entitled an act to repeal in part an act incorporating the city of Wetumpka, was read a second time and ordered to a third reading.

Engrossed bill from the Senate, entitled an act further to regulate proceedings in chancery, was read and referred to the joint committee on chancery affairs.

Engrossed bill from the Senate, to be entitled an act prescribing the mode of filling vacancies in the office of clerk of the circuit court was read and referred to the judiciary committee.

A bill to be entitled an act to repeal in part an act entitled an act to attach a part of Benton county to Talladega county, and for other purposes, was read a second time.

On motion of Mr Walker, it was referred to the delegation of Benton, St. Clair, Cherokee and DeKalb.

The bill to be entitled an act to divorce Gertrude Tankersly from her husband Richard Tankersly, was read a second time and ordered to be engrossed for a third reading.

The bill to be entitled an act to repeal an act entitled an act to suppress the evil practice of carrying weapons secretly, was read a second time, and on motion laid on the table.

The bill to be entitled an act to secure the more speedy collection of debts against incorporated companies, was read the second time and referred to the judiciary committee.

The bill to be entitled an act for the relief of Thomas S. Bibb, of Lawrence county, was read a second time and ordered to be engrossed for a third reading.

The bill to be entitled an act to attach a part of Morgan county to the county of Marshall, was read a second time and ordered to be engrossed for a third reading.

The bill entitled, an act to repeal an act entitled, an act to incorporate the Wetumpka Insurance and Trust Company, of the State of Alabama, was read a second time and ordered to be engrossed for a third reading.

Joint resolutions to amend the constitution of the State, was read a second time.

On motion of Mr Douglass was referred to the judiciary committee.

A bill to be entitled, an act to repeal in part, and amend the thirty-sixth section of an act giving priority and lien of execution, was read the second time, and referred to the judiciary committee.

A bill to be entitled, an act to repeal a part of the first section of the act entitled, an act for the benefit of the settlers on the public lands within the limits of the State of Alabama, approved 3d February, 1840, was read a second time, and referred to the judiciary committee.

A bill to be entitled, an act to repeal in part, an act therein named, was read the second time, and referred to the committee on the judiciary.

A bill to establish and abolish certain election precincts therein named, was read the second time, and referred to the committee on privileges and elections.

Engrossed bill from the Senate entitled, an act to change the name of John Chesley and Catharine Rodgers, and to make them lawful heirs of John Tartt, of Monroe county, was read a second time and referred to the committee on the judiciary.

Engrossed bill from the Senate entitled, an act to authorize the election of an assessor and tax collector for the county of Butler, was read a second time and ordered to a third reading.

Joint memorial of the General Assembly of the State of Alabama, to the Congress of the United States, in relation to a land district in the Cherokee nation, was read a second time and referred to the judiciary committee.

Mr Saunders introduced a bill to be entitled, an act to regulate the practice in the courts of chancery; which was read the first time.

On motion of Mr Saunders, the constitutional rule was suspended, and the bill read a second time, and referred to the committee on chancery affairs.

Mr Speaker presented to the House the report of a majority of the commissioners appointed to examine the Branch of the Bank of the State of Alabama, at Montgomery; which was read.

Mr Morris called from the table, the minority report of said commissioners; which was also read.

Mr Hutchinson moved that the report of the majority, be referred to the committee on public printing.

While this question was under discussion,

Mr Baker moved that this House adjourn until to-morrow morning ten o'clock; which was carried.

TUESDAY, November 17th, 1840.

The House met pursuant to adjournment.

Mr Walker presented the Quartermaster General's report; which was on motion of Mr Walker, referred to the committee on military affairs.

Mr Griffin of M. presented the petition of sundry citizens of Marshall county; which was, on his motion, referred to the delegation from Marshall county.

Mr Stone presented the account of Walker T. Ellis; which was, on his motion, referred to the committee on accounts and claims.

Mr Jemison presented the account of Robert Chandler; which was referred to the committee on accounts and claims.

Mr Houston presented the petition of J. W. Crane and others; which was, on his motion, referred to the committee on education.

Mr Speaker presented the statement of the cashier of the Huntsville Branch Bank, showing the liability of the members of the General Assembly.

On motion of Mr Clemens, it was laid on the table.

Mr Inge from the committee on propositions and grievances, reported a bill to be entitled, an act for the relief of Hugh Barclay; which was read, and ordered to a second reading.

Mr McMillion from the select committee, to which was referred the petition of George Goffe, in relation to a turnpike road, reported the same as inexpedient to be legislated upon.

In which the House concurred.

Mr Langdon introduced the following resolution:

Whereas, according to the doctrine of the republicans of ninety-eight, recognized and acknowledged by all true democrats, the Government of the United States, and that of the State of Alabama, are both purely representative, as to all legislative action and legislative duties, and whenever the delegates of the National or State Legislatures, fail to represent the ascertained will of the majority of their respective constituency, they are guilty of direct usurpation and of a papable violation of their trust, so sacred are the obligations which this representative principle imposes, that express instructions should not be required to mould the representative to the popular will, if, by any other means, this will can be ascertained, upon these fundamental principles of true democracy, and to secure a perfect and entire responsibility upon this basis, our State has been divided into counties, entitled to separate delegations, who should be the several exponents of the will of the majority of that county, the collected representation from all the counties compose the legislature of Alabama, to which body is assigned the duty of electing two Senators to represent the State of Alabama, in the Congress of the United States, for the term of six years, the duty now devolves upon the Legislature of Alabama to elect one of those Senators, and that body is relieved from the risk of a misconception of the wishes of their respective constituents, the recent vote of all the counties after a long and exciting contest, has so clearly manifested that wish as to make it equivalent to positive instructions, and he who fails or refuses (after such a manifestation of public opinion) to reflect that opinion in the election of a Senator, either denies the democratic principle of popular control, or recognizing it in theory contemns the voice of those by whom alone he is empowered to vote: therefore,

Be it resolved, That in all cases the representative is bound to respect the ascertained will of his constituents and that a failure or neglect, truly to act and vote for them, and in their name, is an express violation of the principles of genuine democracy.

Be it further resolved, That in the election of a Senator to represent the State of Alabama, in the Senate of the United States, no Senator or representative is authorized to exercise discretionary powers, but he is bound to vote for that individual whose political opinions may accord with those of a majority of his constituents.

Mr Clements made a point of order as to the introduction of the resolution, the unfinished morning business not having been gone through, claimed precedence over the resolutions.

Mr Speaker decided that as leave had been given to introduce the resolutions they were in order, the leave operating as a suspension of the unfinished business of the morning.

From which decision of the chair, Mr Rice appealed to the House, when Mr Speaker was sustained by the House. Yeas 58—Nays 33.

Those who voted to sustain the chair, are Messrs Adams, Adrian, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Davis of L. Doster, Douglass, Fitzpatrick, Flemming, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, Mitchell, McLemore, McMillion of B. Moore of M. Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Spruill, Strode, Wilson, Winston of DeK. and Young.

Those who voted against sustaining the chair, are Messrs Alexander, Baker, Blackshear, Clemens, Cobb, Davis of A. Dixon, Fowler, Garrett, Houston, Hughs, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of J. Morris, Provence, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wann, Williams, Winston of S. and Wynn.

Mr Reynolds moved that the consideration of the resolution be postponed until Monday next, and that they be made the special order of the day, for that day; which was carried. Yeas 49—Nays 40.

Message from the Senate by Mr Gordon:

Mr Speaker—The Senate have passed a bill of the following title, viz:

A bill to be entitled, an act to repeal an act authorizing the sheriff of Blount county, to serve process issued by justices of the peace.

In which the concurrence of the House is asked.

A bill to be entitled, an act to repeal an act authorizing the sheriff of Blount county, to serve process issued by a justice of the peace, was read and ordered to a second reading.

Mr Rice introduced a bill to be entitled, an act to assist the Montgomery railroad company; which was read and ordered to a second reading.

Mr Inge introduced a bill to be entitled, an act to authorize justices of the peace to close the unfinished business on their dockets; which was read and ordered to a second reading.

Mr Mangum offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the laws regulating dower as to exclude non-residents from acquiring any right to dower, in real estate held by any non-residents within the State of Alabama, and leave to report by bill or otherwise.

Which was adopted.

On motion of Mr Hall,

Resolved, That the committee on inland navigation, be instructed to inquire into the expediency of making an appropriation for the improvement of the navigation of Bear Creek, in the county of Baldwin, so as to make it navigable for flat boats.

On motion of Mr Saunders,

Resolved, That the committee on military affairs, be instructed to ascertain and report to this House, what number of sabres and fire arms of all descriptions are now in the State Arsenal, or deposited elsewhere, under the care of the proper officers of the State; what measures are necessary, if any, to encourage more extensively the institution of volunteer companies throughout the State, especially a dragoon company in each county, for the more perfect organization of the patrol.

Mr Houston introduced a bill entitled, an act to secure the collection of taxes on land belonging to non-residents in Washington county; which was read and ordered to a second reading.

Mr Wynn introduced a bill for the benefit of Matthew H. Roberts; which was read and ordered to a second reading.

Mr Baker offered the following resolution:

Feeling a deep interest in the cause of general education and much confidence in the success and ability of the system of common schools, which have been partially in operation for two years past; being deeply impressed with the importance of preparing and carrying out a system of common school education, and having just cause to fear that the burthen imposed on our banking institutions, of sustaining the expenses of our common schools, also of defraying the expenses of our State Government, may be more than said institutions are able to bear, especially at the present crisis; for the purpose of rendering all possible aid in diffusing knowledge among all classes of society, and also of sustaining our banking institutions, in which the mass of the people are so deeply interested; Therefore,

Be it resolved, That the committee on the State Bank and Branches, be instructed to inquire into the expediency of passing a law imposing again a State tax on the people, with leave to report by bill or otherwise.

Which was adopted.

Mr Morris introduced a bill to be entitled, an act to establish a criminal code for the State of Alabama; which was read and ordered to a second reading.

Mr Walker of L. offered the following resolution:

Resolved, That the judiciary committee, be instructed to inquire into the expediency of passing a law declaring it to be wholly unnecessary on the part of the State Bank or Branches to give notice and protest in all cases where the parties jointly and severally promise to pay, and that hereafter in all cases where any security or securities shall pay the debt after its maturity, he or they, shall have the same summary remedy against the principal as is now provided by law in favor of the Banks making the certificate of the president or cashier evidence of payment, with leave to report by bill or otherwise.

Which was adopted.

Mr Jones offered the following resolution:

Resolved, by the House of Representatives, the Senate concurring, That the two Houses will assemble in the Hall of the House, on Thursday next, at twelve o'clock, noon, for the purpose of electing a solicitor for the first judicial circuit.

Which was adopted.

Mr Williams of J. offered the following resolution:

Resolved, That the committee on education, take into consideration the University fund, its management and future prospects, whether a division of said fund was contemplated in the donation, and whether it would now be practicable to make the same, and whether the funds have been so far judiciously used, and whether or not the said institution answers, satisfactorily, the important and impartial purposes for which it was instituted, and report by bill or otherwise.

Which was adopted.

Mr Campbell offered the following resolution:

Resolved, That the judiciary committee inquire into the expediency and constitutionality of imposing a discriminating tax on all real and personal property, owned and held within the State of Alabama, by persons who are non-residents of said State, with leave to report by bill or otherwise.

Mr Hall introduced a bill to be entitled, an act to incorporate the Stockton Steamboat and Warehouse company, in the county of Baldwin; which was read and ordered to a second reading.

Mr Hutchinson offered the following resolution:

Resolved, That the committee on the judiciary, be instructed to inquire into the expediency of compelling the judges of the circuit court to alternate through the State, with leave to report by bill or otherwise.

Which was adopted.

Mr Langdon offered the following resolution:

Resolved, That the select committee, to which was referred the bill changing the time of the meeting of the Legislature, be instructed also to inquire into the expediency of changing the time of holding the general election in the State, with leave to report.

Which was adopted.

Mr Flemming introduced a bill entitled, an act to hold an election for sheriff in Covington county; which was read and ordered to a second reading.

Mr Hill from the committee on accounts and claims, to which was referred a bill entitled, an act making appropriations for certain claims against the State, reported the same back with an amendment, striking out the claim of Thomas Gamage, for knives and forks; which amendment was concurred in, and the bill ordered to be engrossed for a third reading.

Mr Hill from the same committee, to which was referred the account of Thomas S. Roach, reported the same as not chargeable to the State.

Mr Jones moved to lay the account and report on the table; which was carried.

Mr Clemens introduced a bill to be entitled, an act to prevent office holders under the United States or either of them from holding office under the State of Alabama; which was read and ordered to a second reading.

Mr Adrian introduced a bill to be entitled, an act requiring the judge of the county court of Randolph county, to perform certain duties therein named; which was read and ordered to a second reading.

Mr Williams of D. introduced a bill to be entitled, an act to amend an act in relation to sixteenth sections, which was read and ordered to a second reading.

Mr Roberts called from the table the bill entitled, an act to compensate witnesses in certain cases.

On motion of Mr Roberts, it was laid on the table.

On motion of Mr Reynolds, the House took a recess.

On motion of Mr Baker,

Resolved, That the Senate be informed that the House are now ready to receive them in their Hall, for the purpose of electing a Senator to the Congress of the United States.

The Senate then assembled in the Hall of the House.

Mr President announced the object of the meeting of the two Houses to be to elect a Senator to the Congress of the United States, to supply the place of the Hon. W. R. King, whose term of service expires on the fourth of March next.

The two houses then proceeded to the election—Honorable WILLIAM R. KING, and the Honorable JOHN GAYLE, being in nomination.

Those who voted for Mr KING, are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs Adams, Adrian, Alexander, Baker, Blackshear, Clemens, Cobb, Davis of A., Davis of L., Dixon, Douglass, Fowler, Garrett, Griffin of J.. Griffin of M., Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B., McMillion of J., Moore of Madison, Moore of Marion, Morris, Provence, Pynes, Randolph. Reynolds. Rice, Roberts. Saunders, Smith of J. Smith of L., Stone, Strode, Walker of B., Walker of L., Wann, Williams, Wilson, Winston of DeK., Winston of S. and Wynn, of the House of Representatives—72.

Those who voted for Mr Gayle, are Messrs Alston, Andress, Buford, Dent, King, Lea, Oliver, Phillips, Thornton and Womack, of the Senate; Messrs Ashurst, Barror, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davenport, Davidson, Davis of B., Doster, Fitzpatrick, Flemming, Griffin of S., Hall, Hollinger, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Prince, Seawell, Shanks, Simmons, Spruill and Young, of the House of Representatives—55.

The Hon. William R. King having received a majority of all the votes given, Mr Speaker declared him duly and constitutionally elected Senator to the Congress of the United States, from the fourth of March next.

The Senate then withdrew from the Hall of the House—when on motion of Mr Inge, the House adjourned to morrow morning ten o'clock.

Wednesday, November 18, 1840.

The House met pursuant to adjournment.

Mr McCoy presented the account of John McKnight; which was referred, on his motion, to the committee on accounts and claims.

Mr Winston of DeK. presented the account of John M. Lankford, sheriff of De Kalb; which was referred to the committee on accounts and claims.

Mr Griffin of Marshall, presented the petition of sundry citizens of said county, in relation to the seat of justice; which was, on his motion, referred to the delegation from Marshall county.

Mr Mallard presented the petition of the school commissioners of Walker county; which was referred to the committee on education.

Mr Pynes presented the account of the sheriff of Wilcox county, which was referred to the committee on accounts and claims.

Mr Wynn, from the committee on roads, bridges and ferries, to which was referred the petition of Henry G. J. Moss, reported the same back to the House, and asked to be discharged from the further consideration of the subject.

Mr Speaker laid before the House the report of the commissioners appointed to examine the bank at Mobile; which, on motion of Mr Langdon, was laid on the table.

Mr Hutchinson offered the following resolution:

Resolved, That the officers of this House be permitted to have the same illuminated at the expense of those who may desire it.

Mr Baker moved to amend the resolution by striking out the words ‘officers of this House,’ and insert ‘Tippecanoe Club;’ strike out ‘this House,’ and insert ‘log cabin in this city.’

Mr Reynolds moved to lay the resolution and amendments on the table; which was carried. Yeas 50—Nays 40.

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Baker, Blackshear, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of L. Douglass, Fitzpatrick, Fowler, Garrett, Griffin of M. Hale, Hill, Houston, Hughs, Hunter, Jones, Kelly, King, Mallard, Marchbanks, McCullough, McMillion of B. McMillion of J. Moore of Marion, Morris, Reynolds, Rice, Roberts, Saunders, Smith of L. Stone, Strode, Walker of B. Walker of L. Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Davis of B. Doster, Flemming, Griffin of S. Hall, Hollinger, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McClanahan, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Provence, Shanks, Simmons, Spruill and Young.

Message from the Senate by Mr Gordon:

Mr Speaker—The Senate recedes from their amendment to the resolution of the House, proposing to elect a judge of the county court of Cherokee county, so far as relates to the election of a judge and solicitor of the tenth judicial circuit.

They have passed bills of the following titles:

A bill to divorce Herod Seale from his wife Sarah Seale:

A bill to appropriate the surplus funds in the treasury of St. Clair county; which originated in the House:

The Senate have passed a bill for the relief of —— Howell:

They concur in the resolution of the House to go into the election of a solitor of the first judicial circuit, on Thursday next, twelve o'clock, noon, and have amended the same by adding, 'a solicitor of the tenth judicial circuit;' in which the concurrence of the House is asked.

Engrossed bill from the Senate, entitled an act for the relief of —— Howell, was read and ordered to a second reading.

The House concurred in the amendment of the Senate to their resolution to elect a solicitor of the first judicial circuit.

The House resumed the consideration of Mr Davenport's resolution, the third resolution being under discussion, when Mr Davenport moved to lay the resolution on the table—carried.

The House resumed the consideration of Mr Hutchinson's motion to refer to the committee on public printing the report of the majority of the commissioners appointed to examine the branch of the Bank of the State of Alabama at Montgomery; which was carried, and the report so referred.

Mr Morris moved to refer the minority report to the committee on public printing; which was under discussion, when Mr Rice gave way for the following resolution, offered by Mr Mallard:

Resolved, That the Senate be now invited to repair to the Hall of the House, for the purpose of electing a judge of the county court of Cherokee county, to fill the unexpired term of —— Birdwell, removed from the United States.

The Senate thereupon repaired to the Hall of the House forthwith, and were seated. Mr President announced the object of the meeting of the two Houses.

The two houses then proceeded to the election—ARTHUR FOSTER and M. J. TURNLEY, being in nomination.

Those who voted for *M*r TURNLEY, are *M*essrs President, Clarke, Creagh, Farrar, Hudson, Hall, Lloyd, *Mc*Allister, *Mc*Vay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F., and Wilson of J., of the Senate; Messrs Speaker, Adams, Adrian, Alexander, Baker, Blackshear, Clemens, Cobb, Davis of A. Davis of L., Dixon, Douglas, Fowler, Griffin of J., Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B., McMillion of J., Moore of Madison, Moore of Marion, Province, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J., Smith of L., Stone, Strode, Walker of B., Walker of L., Williams, Wilson, Winston of DeK., Winston of S. and Wynn, of the House of Reps.

Those who voted for Mr FOSTER, are Messrs Alston, Andress, Buford, Dent, King, Lea, McConnell, Oliver, Phillips, Thornton and Womack, of the Senate; Messrs Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davenport, Davis of B., Doster, Fitzpatrick, Flemming, Garrett, Griffin of S., Hall, Hollinger. Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young, of the House of Representatives.

Mr TURNLEY having received a majority of all the votes given, Mr Speaker declared him duly and constitutionally elected judge of the county court of Cherokee county, for six years.

Whereupon the Senate repaired to their Chamber, and the House proceeded to the orders of the day.

Engrossed bill to be entitled an act making appropriations for the payment of certain claims against the State, was on motion of Mr Moore, made the special order of the day for Friday next.

Mr Hutchinson moved to adjourn to ten o'clock to-morrow; which was lost.

Message from the Governor:

EXECUTIVE DEPARTMENT,
November, 18, 1840.

Sir—I have the honor to submit to the House of Representatives the report of the commissioners appointed to examine the Planters' and Merchants' Bank.

To the Honorable Speaker of the House.

Which report was, on motion of Mr Douglass, referred to the committee on printing.

A bill to be entitled an act to repeal an act entitled an act to incorporate the Wetumpka Insurance and Trust Company of the State of Alabama, was read a third time and passed.

Engrossed bill to be entitled an act for the relief of Thomas S. Bibb, of Lawrence county, was read a third time and passed.

Engrossed bill to be entitled an act to authorize justices of the peace to appoint overseers of roads, when vacancies may occur, after the regular appointments by the commissioners' courts, was, on motion of Mr Saunders, re committed to the committee on roads, bridges and ferries.

Engrossed bill to divorce Gertrude Tankersly from her husband Richard Tankersly, was taken up, when Mr Prince moved to re-commit the bill to the committee on divorce and alimony.

Pending this motion, the House, on motion of Mr Hutchinson, adjourned until ten o'clock, to-morrow morning.

THURSDAY, November 19, 1840.

The House met pursuant to adjournment.

Mr Davis of A. presented the petition of Jane Doss; which was referred to the committee on propositions and grievances.

Mr Davis of A. presented the account of Ezekiel Henry; which was referred to the committee on accounts and claims.

Mr Hall presented the account of J. Hoss; which was referred to the committee on accounts and claims.

Mr Hale presented the account of J. A. Turnby; which was referred to the committee on accounts and claims.

Mr Morris presented the account of W. J. Campbell; which was referred to the committee on accounts and claims.

Mr Wilson presented the petition of sundry citizens of DeKalb, in relation to the site of justice; which was, on his motion, laid on the table.

Mr Reynolds presented the petition of the bar of Franklin and Lawrence counties; which was referred to the joint committee on chancery affairs.

Mr King presented the account of Minor Priest; which was referred to the committee on accounts.

Mr Smith of L. presented the account of William P. Pettus; which was referred to the committee on accounts and claims.

Mr Clemens presented the petition of sundry citizens of Madison county, relative to the patrol laws; which was, on his motion, laid on the table.

Mr Griffin of M. presented the account of Joel Higgins, sheriff of Marshall county: which was referred to the committee on accounts and claims.

Mr Dixon presented the account of B. W. Hodges, sheriff of Pike county; which was referred to the committee on accounts and claims.

Mr Simmons presented the account of Ira Hobby, deputy sheriff of Pike county; which was referred to the committee on accounts and claims.

Mr Saunders, from the judiciary committee, to which was referred the bill to be entitled an act to compel the treasurer of the county of Jackson, to make a full exhibit of the taxes of said county, reported the same without amendment; which was read a third time and passed.

Mr Saunders, from the same committee, to which was referred the bill authorizing the tax collector of Marshall county, to receive jury certificates in payment of taxes, reported the same with an amendment, when Mr Griffin of Marshall, moved to re-commit the bill and amendment to the delegation from Marshall and Chambers counties; which was carried.

Mr Saunders, from the same committee, to which was referred the bill to define the duties of judges of the county courts, reported that it was inexpedient to legislate on the subject; in which the House concurred.

Mr Saunders, from the same committee, to which was referred the bill to authorize the tax collector and clerk of Tallapoosa county, to receive in payment of public dues, certain certificates therein named, reported the same with an amendment, viz: in the line before the last but one, strike out the word 'in,' and insert 'are;' in which the House concurred, and the bill was ordered to be engrossed for a third reading.

Mr Saunders, from the same committee, to which was referred a petition from sundry citizens of Pike county, reported a bill in favor of the prayer of the petitioners, entitled an act to repeal in part an act entitled an act to regulate trials before justices of the peace, so far as relates to the county of Pickens; which was read and ordered to a second reading.

Mr Saunders asked and obtained leave for the committee to sit during the session of the House.

Mr Speaker presented the report of the commissioners for the improvement of the navagation of the Black Warrior river; which was, on motion of Mr Griffin of S., ordered to lie on the table, and one hundred and thirty-five copies thereof, ordered to be printed.

Mr Moore of Madison, offered the following resolution:

Resolved, That the committee on the State Bank and branches be instructed to inquire into the expediency of, and report to this House at as early a day as possible, the amount of post notes issued and put in circulation by the Bank of Mobile, and the Planters and Merchants' Bank of Mobile, under their amended charter, allowing them to issue post notes, payable twelve months after date, designating the amount of post notes issued by them, respectively, the amount in circulation, the time said notes have to run, and when issued; which was adopted.

Message from the Senate by Mr Gordon:

Mr Speaker—The Senate have passed bills from the House of Representatives, of the following titles, viz:

An act to locate the seat of justice of Marion county, and for other purposes, and have amended the same as therein shewn:

An act to divorce Sarah A. Jones from her husband Jonathan Jones:

An act to alter and amend the law for assessing and collecting the taxes of Butler county:

An act to change the mode of assessing and collecting the taxes for Pike county:

An act authorizing the judge of the county court and the commissioners of roads and revenue, to assess and collect a tax to defray county claims in the county of Randolph.

The Senate have passed bills of the following titles, viz:

An act authorizing the erection of two township school houses in the town of Livingston, Sumter county:

An act excluding certain lands from the jurisdiction of the corporation of the town of Benton, in Lowndes county:

An act to appoint a committee of finance in the county of Pike, and for other purposes:

An act to repeal in part an act entitled an act in relation to sixteenth sections:

An act for the support of paupers in the county of Benton.

The Senate have also passed a joint resolution requiring the Secretary of State to furnish the printer with copies of the acts so soon as approved by the Governor.

Engrossed bill from the Senate, authorizing the erection of two township school houses in the town of Livingston, Sumter county, was read and ordered to a second reading.

Engrossed bill from the Senate, entitled an act excluding certain lands from the jurisdiction of the corporation of the town of Benton, Lowndes county, was read and ordered to a second reading.

Engrossed bill entitled an act to appoint a committee of finance for the county of Pike, and for other purprses, was read and ordered to a second reading.

Engrossed bill from the Senate to be entitled an act to repeal in part an act entitled an act in relation to sixteenth sections, approved, 3d February, 1840; was read and ordered to a second reading.

Engrossed bill entitled an act for the relief of paupers in the county of Benton, was read and ordered to a second reading.

Joint resolution of the Senate and House of Representatives, requiring the Secretary of State, to furnish the printer with copies of the acts, so soon as approved by the Governor, was read and ordered to a second reading.

The House concurred in the amendment made by the Senate to their bill, to locate the seat of justice of Marion county.

Mr Mitchell, from the committee on enrolled bills, reported as correctly enrolled the bill entitled an act to divorce Herod Seale from his wife Sarah Seale.

On motion of Mr Hall,

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House on Saturday next, at twelve o'clock, for the purpose of electing a judge of the county court of Baldwin and Covington counties.

On motion of Mr Moore of Marion,

Resolved, That the committee on privileges and elections, inquire into the expediency of establishing an election precinct at the House of M. A. Price, in the county of Marion.

Mr Williams of J. offered the following resolutions, which were adopted:

Owing to the unprecedented hardness of the times, and the shortness of the cotton crops, the staple commodity of the country, producing thereby great pecuniary embarrassment, &c.

Be it Resolved, That the committee on the State Bank and Branches inquire into the expediency of the said Bank and Branches only calling in ten per cent. per annum with interest on the amount of debts due the same, requiring semi-annual notes instead of notes of one hundred days.

And be it further resolved, That the said committee inquire into the expediency of allowing debtors of the respective Banks to give personal security, or a lien on personal or real estate unincumbered, at their own discretion, giving satisfaction to the board, that the same is well secured.

And be it further resolved, That the said committee be instructed to inquire into the expediency of allowing discretionary powers to the directors of the respective banks in certain cases, to make arrangements with debtors and endorsers, particularly so as to secure part of the liability, when proffered, thereby relieving the endorsers in bad or extremely doubtful cases, when there is no probability of getting any thing otherwise, and have leave to report by bill or otherwise.

Mr Griffin of S. introduced a bill to be entitled an act requiring the judge of the county court of Shelby county, to reside at or within three miles of the court house; which was read and ordered to a second reading.

Mr Shanks offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of passing a law, granting for a limited time, a stay of execution, from courts of record, with leave to report by bill or otherwise.

Mr Blackshear introduced a bill to be entitled an act to change the time of holding the August term of the commissioners' court of roads and revenue, in the county of Henry, which was read and ordered to a second reading.

Mr McMillion of B. offered the following resolution:

Whereas, at page one hundred and sixty-eight and one hundred and sixty-nine, in Aikin's Digest, sections forty-eight and fifty-one, it is made obligatory on jurors, when summoned to attend before justices of the peace, for the purpose of trying the right of property under a penalty not exceeding five dollars, therefore

Be it Resolved, That the judiciary committee be instructed to inquire into the expediency of passing a law compensating jurors for their services, when summoned for the purpose aforesaid, with leave to report by bill or otherwise.

Mr Adrian introduced a bill to be entitled an act to incorporate a male and female academy, in the town of McDonald, in the county of Randolph, which was read and ordered to a second reading.

On motion of Mr Bates, Mr Hall was added to the committee on inland navigation.

Mr Clemens introduced a bill entitled an act for the benefit of the Alabama Invincibles; which was read and ordered to a second reading.

Mr Wilson introduced a bill to be entitled an act to authorize the election of a tax assessor and collector for the county of De Kalb; which was read and ordered to a second reading.

On motion of Mr Morris, Mr Mallard was added to the committee on inland navigation.

On motion of Mr Fowler,

Resolved, That the committee on the State Bank and Branches, be instructed to inquire into the expediency of requiring all the banks of this State to redeem their notes in specie, of persons wishing to make an entry of lands in the State, from fifty to two hundred dollars, with leave to report by bill or otherwise.

On motion of Mr Perkins,

Resolved, That the committee on the State Bank and Branches, inquire into the expediency of freeing the State Banks from the burthen of defraying the expenses of the State government, and of aiding sixteenth section school funds, during the next two years.

Mr Davis of Bibb, introduced a bill regulating sales by sheriffs of the county of Bibb; which was read and ordered to a second reading.

Mr Campbell introduced a bill to be entitled an act to amend the several acts in relation to proceedings in chancery; which was read and ordered to a second reading.

Mr Stone introduced a bill entitled an act to compensate certain persons therein named; which was read and ordered to a second reading.

Mr McCoy introduced a bill to be entitled an act to repeal the fifth section of an act to incorporate the town of Fredonia, in Chambers county; which was read and ordered to a second reading.

Mr Hall introduced a bill to be entitled an act to grant jury trials in justices' courts, in the county of Cherokee, and for other purposes therein named; which was read and ordered to a second reading.

Mr Blackshear introduced a bill entitled an act to form a certain county therein named; which was read and ordered to a second reading.

Mr McGill introduced a bill to be entitled an act to improve that portion of the Bigby river above its junction with the Black Warrior, not heretofore embraced in any act for the improvement of the Bigby river; which was read and ordered to a second reading.

Mr Jones called from the table, the report and account of Thomas J. Roach, for articles furnished as register of the chancery court; which was referred back to the committee on accounts.

On motion of Mr Spruill, Mr Barron was added to the committee on inland navigation.

On motion of Mr Moore of Mad. Mr Walker of L. was added to the committee on the State Bank.

On motion of Mr Bates, Mr Mann was added to the committee on the State Bank.

On motion of Mr Stone, Mr McLemore was added to the committee on accounts.

On motion of Mr Barron, Mr Seawell was added to the committee on education.

The House then took up the unfinished businnss of the day, being Mr Morris' motion to refer to the committee on printing, the minority report of the Montgomery Bank commissioners.

The Speaker announced the hour of twelve as having arrived.

The following resolution was adopted:

Resolved, That the Senate be now invited to repair to the hall of the House for the purpose of electing solicitors for the first and tenth judicial circuits.

The Senate then assembled in the hall, were seated, and Mr President, announced the object of the convention of the two Houses.

The two houses proceeded to elect a Solicitor for the First Judicial Circuit, WILLIAM M. BROOKS, alone being in nomination.

Those who voted for Mr BROOKS, are Messrs President, Andress, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Lloyd, McAllister, McConnell, McVay, Oliver, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F., Wilson of J. and Womack, of the Senate; Messrs. Speaker, Adams, Adrian, Alexander, Baker, Bates, Bell, Blackshear, Blount, Bowen, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hughs, Hunter, Inge, Jemison, Jones, Kelly, Kidd, King, Little, Mangum, Mallard, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Morris, Murphy, Peguese, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Seawell, Shanks, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives.

Mr Andress, King and Lea, Barron, Bradley, Hutchinson, Langdon, Mann, McCoy, McLemore, Norris, Norwood and Prince, voted for Mr DAVIS.

Mr Phillips voted for Mr. GRAHAM.

Mr BROOKS having received a majority of all the votes given, was by Mr Speaker declared duly and constitutionally elected Solicitor for the First Judicial Circuit, for the time prescribed by law.

The two houses next proceeded to the election of a Solicitor for the Tenth Judicial Circuit—PERCY WALKER and JOHN T. TAYLOR, being in nomination.

Those who voted for Mr WALKER, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs. Speaker, Adams, Adrian, Alexander, Baker, Blackshear, Clemens, Cobb, Crenshaw, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jones, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives.

Those who voted for Mr. TAYLOR, are Messrs Alston, Andress, Buford, Dent, King, Lea, McConnell, Oliver, Phillips and Womack, of the Senate;

Messsrs Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Davenport, Davidson, Davis of B. Doster, Garrett, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Little, Mangum, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young, of the House of Representatives.

Mr WALKER having received a majority of all the votes given, was by Mr Speaker declared duly and constitutionally elected Solicitor for the Tenth Judicial Circuit, for the time prescribed by law.

The Senate then withdrew, and the House proceeded to consider the orders of the day.

Mr Rice moved to suspend the orders of the day, to take up the minority report of the commissioners appointed to examine the Montgomery Branch Bank.

The question being on Mr Morris' motion to refer the same to the committee on printing, it was lost. Yeas 38—Nays 48.

Those who voted in the affirmative, are Messrs Speaker, Alexander, Bell, Cobb, Davis of A. Davis of B. Doster, Douglass, Fowler, Griffin of M. Hale, Hall, Hill, Houston, Jones, King, Langdon, Mallard, Marchbanks, McClanahan, McMillion of J. Moore of Mad. Moore of Marion, Moores, Morris, Provence, Randolph, Roberts, Saunders, Shanks, Smith of L. Walker of L. Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are Messrs Adams, Adrian, Baker, Barron, Bates, Blackshear, Blount, Bowen, Bradley, Broughton, Campbell, Clemens, Crenshaw, Davenport, Davis of L. Fitzpatrick, Garrett, Griffin of S. Hollinger, Hughs, Hunter, Hutchinson, Inge, Jemison, Kelly, Little, Mann, McCoy, McCullough, McGill, McLemore, McMillion of B. Mitchell, Murphy, Norris, Norwood, Peguese, Prince, Pynes, Reynolds, Rice, Seawell, Simmons, Spruill, Strode, Walker of B. Wann and Young.

Then House then adjourned to ten o'clock to morrow.

FRIDAY, November 20th, 1840.

The House met pursuant to adjournment.

Mr Bradley asked and obtained leave of absence for Mr Barron till Tuesday next.

Mr McGill asked and obtained leave of absence for Mr Spruill for an indefinite period.

Mr Simmons asked and obtained leave of absence for Mr Peguese for an indefinite period.

Mr McMillion of B. presented the account of Aquilla Jones, which was referred to the committee on accounts.

Mr Crenshaw presented the account of T. B Windham, which was referred to the committee on accounts.

Mr Morris presented the petition of sundry citizens of Coosa county, on the subject of an election precinct, which was referred to the committee on privileges and elections.

Mr Baker presented the account of J. T. Cook, sheriff of Franklin county, which was referred to the committee on accounts.

Mr Alexander presented the account of W. T. Pettus, which was referred to the committee on accounts.

Mr Wynn presented the account of Paul Robbins, of Limestone county, which was referred to the committee on accounts.

Mr Hunter presented the account of Mrs Chambliss and Manday, which was referred to the committee on the State Bank.

Mr Moore of Marion, presented the account of James McAstin, sheriff of *Marion* county, which was referred to the committee on accounts.

Mr Hutchinson presented the account of Dr Bolling, which was referred to the committee on accounts.

Mr Griffin of S. presented the account of the register of the chancery court, at Columbiana, which was referred to the committee on accounts.

Mr Perkins presented the petition of Hiram P. Cochran, which was referred to the committee on the State Bank.

Mr Blount presented the account of James T. Pierce, which was referred to the committee on accounts.

Wr Wynn from the committee on roads, bridges and ferries, to which was referred the bill authorizing justices of the peace to appoint overseers in certain cases, reported the same without amendment, which was, on motion of Mr Williams, referred to the delegation from Jackson county.

Mr Saunders from the judiciary committee, to which was referred a bill to be entitled an act to repeal a part of the first section of an act for the benefit of the settlers on the public lands, reported the same as inexpedient, in which the House concurred.

Mr Saunders from the same committee, to which was referred the bill to be entitled an act to repeal in part and amend the thirty sixth section of an act giving priority and lien of executions, reported the same as inexpedient, in which the House concurred.

Mr Saunders from the same committee to which was referred the bill preventing free negroes from carrying arms, reported the same back to the House as more properly belonging to the consideration of the House under the discussion of the criminal code, and asked to be discharged from the further consideration thereof, which was concurred in, and the committee accordingly discharged.

Mr Mallard moved to lay the report on the table, which was granted.

Mr Saunders from the same committee, to which was referred a bill requiring judges to alternate, reported the same as inexpedient, which on motion of Mr Hutchinson, was laid on the table.

Mr Saunders, from the same committee, to whom was referred the bill to change the names of John Chesley and Catharine Rodgers, and to make them heirs of John G. Tart, of Monroe county, reported the same without amendment.

The bill was read a third time and passed.

Mr Saunders, from the same committee, reported the joint memorial to the Congress of the United States, in relation to a land district, reported the same without amendment; which was read a third time and passed.

Mr Saunders, from the same committee, to whom was referred the bill entitled an act prescribing the mode of filling vacancies in the office of clerk of the circuit court, reported the same as inexpedient; in which the House concurred.

Message from the Senate by Mr Hill:

Mr Speaker—The Senate have passed bills of the following titles:

An act to authorize the election of a tax collector in Russell county, which originated in the House of Representatives.

A bill to be entitled an act to repeal in part an act approved Feb. 3, 1840, in relation to sixteenth sections, so far as relates to the counties of De Kalb, Cherokee and others.

A bill to change the time of making settlement between the tax collector and commissioner's court of Jackson county; in which the concurrence of the House is asked.

Engrossed bill from the Senate, entitled an act to change the time of making settlement between the tax collector and commissioner's court of Jackson county, was read the first time, and the constitutional rule suspended; read a second, and on motion of Mr Williams, referred to the delegation from Jackson county.

Engrossed bill from the Senate entitled an act to repeal in part an act approved 3d February, 1840, in relation to sixteenth sections, so far as relates to the counties of De Kalb, Cherokee, Tuscaloosa, Barbour and Talladega, was read, and ordered to a second reading.

Mr Murphy, from the committee on the judiciary, to whom had been referred the resolution of the House, proposing to amend the constitution of the State of Alabama so as to extend the jurisdiction of justices of the peace of this State to one hundred dollars, reported the same as inexpedient, and asked leave to be discharged from the further consideration of the subject; in which the House concurred. Yeas 45—Nays 42.

Those who voted for concurring, are Messrs Ashurst, Baker, Crenshaw, Davenport, Davidson, Davidson of B., Doster, Fitzpatrick, Flemming, Hall, Hollinger, Houston, Hunter, Hutchinson, Inge, Jemison, Jones, Langdon, Marchbanks, McCoy, McLemore, Mitchell, Moore of Mad., Moores, Morris, Murphy, Perkins, Provence, Randolph, Reynolds, Seawell, Smith of L., Strode, Walker of B., Williams and Young.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Cobb, Davis of A., Davis of L, Dixon, Douglass, Fowler, Griffin of M., Griffin of S., Hall, Hill, Hughs, Kelly, King, Little, Mallard, Mann, McClanahan, McCullough, McGill, McMillion of B., McMillion of J., Moore of Marion, Norris, Norwood, Prince, Pynes, Rice, Roberts, Saunders, Shanks, Simmons, Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn.

Message from the Governor, informing the House that he had approved and signed bills of the following titles from the House of Representatives:

Joint resolution in relation to the Branch Bank at Decatur; and

A bill to divorce Herod Seale from his wife, Sarah Seale; which was, on motion, laid on the table.

Message from the Senate by Mr Gordon:

Mr Speaker—The Senate have adopted the following resolution, viz:

Resolved, That, with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House, on Saturday, the 21st inst., at twelve o'clock, for the purpose of electing a Trustee for the University of Alabama, to fill the vacancy of William Richardson, resigned; in which the House concurred.

Mr Speaker announced the order of the day, when

Mr Moores moved to suspend the order, for the purpose of obtaining an expression of the opinion of the House upon the following resolution, offered by Mr Reynolds:

Resolved, That it is the opinion of the House, that the Speaker thereof should sign all process to compel the attendance of witnesses before committees, when they are empowered by the House to send for persons and papers, and also to appoint a messenger to serve the same; which was adopted.

Mr McMillion of B., from the committee on enrolled bills, reported as correctly enrolled, an act to appropriate the surplus funds in the county of St. Clair.

An act to repeal in part an act to regulate the proceedings of courts, and the compensation of witnesses in the counties of Lowndes, Talladega, Butler and others, approved 9th January, 1840.

Mr Perkins moved further to suspend the orders of the day, which was lost.

The House resumed the consideration of the order of the day, when

The bill making appropriation for the payment of certain claims against the State, was read a third time and passed.

Engrossed bill to attach a part of Morgan county to Marshall county; was read a third time and passed.

Engrossed bill from the Senate, entitled an act to repeal in part an act incorporating the city of Wetumpka, was read a third time and passed.

Engrossed bill to authorize the tax collector and clerk of Tallapoosa county, to receive in payment of public dues certain certificates therein named; was read a third time and passed.

Engrossed bill from the Senate for the relief of ——— Howell; was read a second time and referred to the judiciary committee.

Engrossed bill from the Senate, entitled an act to repeal an act authorizing the sheriff of Blount county to serve process issued by justices of the peace; was read a second time and passed to a third reading.

Engrossed bill from the Senate authorizing the erection of two township school houses in the town of Livingston, Sumter county, was, on motion of Mr Little, read a second time, and referred to the delegation from Sumter.

Engrossed bill entitled an act excluding certain lands from the jurisdiction of the corporation in the town of Benton, Lowndes county, was read and ordered to a third reading.

On motion of Mr Douglass, the House adjourned to 10 o'clock to-morrow.

SATURDAY, November 21st, 1840.

Mr Crenshaw presented the account of Philemon B. Waters, sheriff of Butler county; which was referred to the committee on accounts.

Mr Hale presented the account of William Nichols; which was referred to the committee on accounts.

Mr Smith presented the petition of sundry citizens of Jackson county, praying an appropriation from the three per cent. fund; which was referred to the committee on roads, bridges and ferries.

Mr Smith presented the petition of sundry citizens of Jackson county, on the same subject; which had the same reference.

Mr Mangum presented the account of James Townsend; which was referred to the committee on accounts.

Mr Griffin of S. presented the account of B. F. Bandad; which was referred to the committee on accounts.

Mr Roberts presented the account of Thomas A. Morris; which was referred to the committee on accounts.

Mr Bates presented the petition of the officers of the ninth brigade; which was referred to the committee on military affairs.

On motion of Mr. Ashurst, leave of absence for a few days was granted to Mr Hutchinson.

Mr Walker of B. presented a bill for the relief of the citizens of De Kalb county, who resided in Deerhead Cove: which was read and ordered to a second reading.

Mr Speaker presented the report of the Comptroller of Public Accounts of the Alabama Life Insurance and Trust Company at Mobile; which was read, and, on motion, laid on the table.

Mr Inge, from the committee on propositions and grievances, reported a bill to authorize Henry Hunter of Dallas county, to erect a gate or gates upon that part of the public road which runs through his land opposite the town of Lexington, in said county, and for other purposes; which was read and ordered to a second reading.

Mr. Kelly presented the account of William C. Price; which was referred to the committee on accounts.

Mr Murphy introduced a bill to be entitled an act for the further prevention of frauds; which was read and ordered to a second reading.

Mr Hill, from the committee on accounts and claims, to whom had been referred the accounts of Joseph Tipton, Joel Higgins, John Stearnes, John McKinney, Joseph Kibbel, and Benjamin Gullet, reported that said accounts were not properly chargeable to the State, and asked leave to be discharged from the further consideration of the same; which was granted, and the accounts severally laid on the table, with leave to be withdrawn.

Mr Williams moved to reconsider the vote taken on yesterday upon Mr Murphy's report on the resolution to amend the constitution of the State of Alabama; which motion was made the special order of the day for Monday next.

Mr Moores from the select committee, to which had been referred the bill to be entitled an act to change the time of convening the general assembly of the State of Alabama, reported the same without amendment.

On motion of Mr Baker, the bill was made the special order of the day for Tuesday next.

Message from the Senate by Mr Gordon:

Mr Speaker—The Senate concurs in the resolution from the House proposing to elect a judge of the county court of Baldwin and of Covington counties on Saturday the 21st inst. at twelve o'clock noon, and have amended the same by striking out the words "a judge of the county court of Baldwin county;" in which amendment the concurrence of the House is asked.

The House refused to concur in the amendment made by the Senate to their resolution.

Mr Jemison called for the yeas and nays. Yeas 43—Nays 44.

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Clemens, Cobb, Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Pynes, Randolph, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wann, Williams, Winston of DeK. and Winston of S.

Those who voted in the negative, are Messrs Ashurst, Baker, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davenport, Davis of A. Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Inge, Jemison, Jones, Kidd, Langdon, Little, Mangum, Mann, McCoy, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Prince, Reynolds, Seawell, Shanks, Simmons, Strode, Wynn and Young.

Message from the Senate by Mr Hill:

Mr Speaker—The Senate insist on their amendment to the resolution of the House proposing to elect judges of the county courts of Baldwin and Covington counties.

On motion of Mr Moore of madison, the House receded from their disagreement to the amendment of the Senate, striking out the words "judge of the county court of Baldwin."

The yeas and nays being demanded on this motion, there were yeas 44—nays 39.

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Baker, Blackshear, Clemens, Cobb, Davis of L. Douglass, Fowler, Griffin of M. Hale, Hill, Houston,, Hunter, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of madison, Moore of Marion, Morris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are Messrs Ashurst, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davenport, Davis of A. Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hughs, Inge, Jemison, Jones, Kidd, Langdon, Little, Mangum, Mann, McCoy, McLemore, Mitchell, Moores, Norris, Norwood, Perkins, Prince, Seawell, Shanks, Simmons and Young.

On motion of Mr Wynn,

Resolved, That the Senate be forthwith invited into the Hall of the House for the purpose of electing a Trustee of the University for the fourth judicial circuit, and also a judge of the county court of Covington county.

Which was adopted.

The Senate repaired to the Hall of the House, were seated: Mr President announced the object of the meeting of the two Houses to elect a trustee of the University of Alabama for the fourth judicial circuit, and a county court judge for Covington county.

The two Houses then proceeded to the election of a Trustee of the University of the State of Alabama, for the fourth judicial circuit—EGBERT J. JONES alone being in nomination, and having received one hundred and eight votes, being all the votes given, Mr Speaker declared him duly elected a Trustee of the University of the State Alabama, to fill the vacancy occasioned by the resignation of Wm. Richardson.

The two Houses then proceeded to the election of a judge of the county court for the county of Covington—STEPHEN GANEY and GEORGE A. SNOWDEN, being in nomination.

Those who voted for Mr GANEY, are Messrs President, Clarke, Creagh, Farrar, Hudson, Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs Speaker, Adrian, Alexander, Baker, Blackshear, Clemens, Cobb, Davis of A., Davis of L., Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Hughs, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Simmons, Smith of J. Smith of L. Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives.

Those who voted for Mr **Snowden**, are Messrs Alston, Andress, Buford, Dent, King, Lea, Oliver, Phillips and Womack, of the Senate; Ashurst, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davenport, Davis of B. Doster, Flemming, Griffin of S. Hall, Hollinger, Houston, Hunter, Inge, Jemison, Jones, Kidd, Little, Mangum, Mann, McCoy, McLemore, Mitchell, Moores, Norris, Norwood, Prince, Seawell, Shanks, Stone and Young, of the House of Representatives.

Mr **Ganey** having received a majority of all the votes given, Mr Speaker declared him duly and constitutionally elected judge of the county court of Covington county, for the term prescribed by law.

The Senate then withdrew from the House.

A message was received from the Senate.

Mr Speaker—The Senate has passed bills of the following titles:

An act for the relief of Louisa Stewart, of Randolph county, which originated in the House of Representatives.

An act to amend the laws on the subject of public roads.

In which they ask the concurrence of the House.

The bill from the Senate to be entitled an act to amend the laws on the subject of public roads, was read the first time and ordered to a second reading.

Mr Norwood introduced a bill to be entitled an act to incorporate an institution of learning therein named, which was read a first time and ordered to a second reading.

On motion of Mr. Clemens, the House then adjourned until Monday ten o'clock.

Monday, November 23, 1840.

The House met pursuant to adjournment.

Mr Walker presented the report of the adjutant general, which was referred to the committee on military affairs.

Mr Wann presented the petition of sundry citizens of Jackson county, praying an appropriation from the three per cent. fund, which was referred to the committee on roads, bridges and ferries.

Mr Fitzpatrick presented the account of the sheriff of Macon county, which was referred to the committee on accounts.

Mr Fitzpatrick presented the petition of sundry citizens of Macon county, which was referred to the judiciary committee.

Mr Rice presented the account of J. D. Copeland, which was referred to the committee on accounts.

Mr McMillion of B. from the committee on enrolled bills, reported the following bills as correctly enrolled, viz:

An act to change the mode of assessing and collecting the taxes of Pike county:

An act for the relief of Louisa Stewart, of Randolph county.

Mr Saunders from the committee on the judiciary, to which had been referred the resolution proposing to amend the constitution in relation to biennial sessions of the General Assembly, reported the same as inexpedient.

Mr Speaker announced the orders of the day.

Mr Saunders moved to suspend the orders of the day, for the consideration of the report, which was carried, and the report concurred in. Yeas 49—nays 31.

Those who voted in the affirmative, are Messrs Speaker, Alexander, Ashurst, Baker, Bates, Bell, Blount, Bradley, Clemens, Davis of A. Douglass, Fitzpatrick, Fowler, Garrett, Hill, Hollinger, Houston, Hunter, Inge, Jemison, Jones, Langdon, Mangum, Mallard, Mann, McClanahan, McCoy, McCullough, McLemore, Mitchell, Moore of Mad. Moore of Marion, Norris, Perkins, Prince, Rice, Saunders, Seawell, Shanks, Smith of J. Smith of L. Strode, Walker of B. Wynn and Young.

Those who voted in the negative, are Messrs Adams, Adrian, Blackshear, Bowen, Campbell, Cobb, Crenshaw, Davis of B. Davis of L. Dixon, Doster, Flemming, Griffin of M. Griffin of S. Hale, Hall, Hughs, Kelly, Kidd, King, Little, Marchbanks, McMillion of B. McMillion of J. Moores, Morris, Provence, Pynes, Randolph, Reynolds, Roberts, Simmons, Stone, Walker of L. Wann, Williams, Wilson, Winston of DeK. and Winston of S.

Message from the Senate informing the House that they had passed a bill to be entitled an act to divorce Caroline Butts from her husband George W. Butts, which originated in the House.

Also, bills of the following titles:

An act to prevent frauds in the sale of land and negroes by sheriffs and other officers.

An act in relation to the recommendation of paper for purchase or discount to the Bank of the State of Alabama and its several branches.

An act to amend the laws concerning judicial attachments.

An act to alter and amend the laws concerning dower.

In which the concurrence of the House is requested.

Each of which were severally read and ordered to a second reading.

The House then proceeded to the special order of the day, being Mr Langdon's preamble and resolutions.

Mr Clemens moved to strike out all of the same after the word 'whereas,' and insert the following:

'The relation of representative and constituent, is one of great delicacy; all interference with which, by a third party, is obtrusive and improper. This Legislature views any attempt to define or enforce the right of instructton, except in cases relating directly to agents who receive their grant of power from them, as not only unnecessary and uncalled for, but in the highest degree objectionable. Each representative in the State Legislature is responsible alone to his own immediate constituents, for his acts as such representative; and we deny the right of any other person or persons, to interfere in any manner whatsoever, between the parties. He is the sole judge of the wishes of the people he represents, and whether he carries out those wishes or refuses to do so, we conceive it to be not only unusual, but unwarrantable in the Legislature of which he is a component part, to pass resolutions approving or condemning his course. He receives his appointment from the people; is responsible immediately to them, for his conduct, and the Legislature would be wandering from its legitimate functions, if it attempted to prescribe what that conduct should be. We recognize, to the fullest extent, the doctrine, that the representative is bound to obey the known and ascertained will of his constituents. But to be binding, that will should be clearly expressed, and not left to doubtful inference. A contrary doctrine would lead to the most alarming results. We believe that the recent election for electors of President and Vice

Prisident of the United States in the State of Alabama, is by no means a conclusive expression of the will of the people of any particular county. In such election, every inhabitant of the State is by law allowed to vote in any county in which he may happen to be on the day of the election; and voters may have been floated from one county to another in such a manner as to produce results which never would have been brought about if each individual had cast his vote at some precinct in his own county. We look to the State elections, therefore, as affording the only true and certain test of the will of the people of each county, and by them, we conceive the representative is bound to be governed in the absence of express instructions of a contrary character. We further hold that when a representative has been elected by a people to whom his opinions and principles are fully known, and by whom they are fully understood, the fact of such election is strong presumptive evidence that their opinions and principles accord with his own, and he is at liberty to regulate his conduct accordingly unless otherwise instructed. Entertaining these views and opinions, and being satisfied that the right of instruction is one of too high and sacred a character to be resorted to on every trivial occasion, or by other persons than those who have the right to instruct, we hold it to be our duty to repudiate all interference with the subject, but by the people themselves, therefore

'*Be it Resolved,* That we believe it to be highly improper for this body to interfere with any member and his constituents, and that we cannot recognize the right of this Legislature, to decide whether a representative is or is not carrying out the will of the people whom he represents.'

Mr Perkins called for a division of the question, when the question was taken on striking out, which was carried. Yeas 49—Nays 31.

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Baker, Blackshear, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Garrett, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are Messrs Ashurst, Bell, Blount, Bowen, Bradley, Campbell, Crenshaw, Davis of B. Doster, Flemming, Griffin of S. Hall, Hollinger, Hunter, Inge, Jemison, Kidd, Langdon, Little, *M*angum, *M*ann, *M*cCoy, McLemore, *M*itchell, *M*oores, *M*urphy, Norris, Prince, Seawell, Shanks and Simmons.

The question then recurred on inserting Mr Clemens' amendment, which was carried. Yeas 49—Nays 31—the yeas and nays being the same as the vote on striking out.

Mr Reynolds moved that the House adjourn until ten o'clock, to-morrow; which was lost.

Mr Rice moved that the House adjourn until three o'clock, this evening; which was lost.

Mr Perkins offered to amend the preamble and resolution, by the following additional resolution, viz:

And be it further resolved, That that the foregoing preamble and resolution are unnecessary. Which was lost.

When Mr Jemison moved to postpone the further consideration of the resolution until the third Monday in December; which was lost.

Mr Jemison then moved to lay the preamble and resolution on the table; which was lost. Yeas 30—Nays 50.

Those who voted in the affirmative, are Messrs Ashurst, Bell, Blount, Bowen, Bradley, Broughton,Campbell, Crenshaw, Davis of B.Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hunter, Inge, Jemison, Langdon, Mangum, Mann, McCoy, McLemore, Mitchell, Moores, Murphy, Norris, Perkins, Prince, Seawell and Young.

Those who voted in the negative, are Messrs Adams, Adrian, Alexander, Baker, Blackshear, Clemens, Cobb, Davis of A. Davis of L. Douglass, Fowler, Garrett, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Little, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Walker of L. then called the previous question,

When Mr Inge moved to adjourn until ten o'clock, to-morrow; which was lost.

Mr Speaker (Mr Moore of Mad. in the Chair) decided that the previous question was in order, and had preference of the motion to adjourn, and had also, precedence of all other motions: the privileged motion having been put and rejected, during the discussion of this question,

From which decision Mr Jemison appealed to the House, when the Chair was sustained. Yeas 66—Nays 11.

Those who voted for sustaining the Chair, are Messrs Adams, Adrian, Alexander, Baker, Bell, Blackshear, Blount Bowen, Broughton, Clemens, Cobb, Crenshaw, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hill, Hollinger, Hughs, Hunter, Jones, Kelly, King, Langdon, Little, Mallard, Marchbanks, McClanahan, McCoy, McCullough, McMillion of J. Mitchell, Moore of Marion, Moores, Morris, Murphy, Norris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Seawell, Shanks, Simmons, Smith of J.. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Wynn and Young.

Those who voted against sustaining the Chair, are Messrs Ashurst, Doster, Flemming, Hall, Inge, Jemison, Mangum, Mann, McLemore, Perkins and Prince.

The question 'shall the previous question be now put,' was taken and carried. Yeas 56—Nays 23.

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Baker, Bell, Blackshear, Bradley, Campbell, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Langdon, Little, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Murphy, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Seawell, Shanks, Simmons, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of De K. Winston of S. and Wynn.

Those who voted in the negative, are Messrs Ashurst, Blount, Bowen, Crenshaw, Doster, Flemming, Griffin of S. Hall, Hollinger, Hunter, Inge, Jemison, Mangum, Mann, McCoy, McLemore, Mitchell, Moores, Norris, Perkins, Prince, Strode and Young.

The main question being on the adoption of the resolution, was put and carried. Yeas 49—Nays 31.

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Baker, Blackshear, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker L. Wann, Williams, Wilson, Winston of De K. Winston of S. and Wynn.

Those who voted in the negative, are Messrs Ashurst, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davis of B. Doster, Flemming, Grffin of S. Hall, Hollinger, Hunter, Inge, Jemison, Langdon, Little, Mangum, Mann, McCoy, McLemore, Moores, Murphy, Norris, Perkins, Prince, Seawell, Shanks, Simmons and Young.

When, on motion, the House adjourned until ten o'clock, to-morrow.

TUESDAY, November 24, 1840.

The House met pursuant to adjournment.

Mr Williams rose and announced to the House the death of the Hon. George R. Griffin, a representative from the county of Jackson, who departed this life since the House adjourned on yesterday; and offered the following resolutions:

1st. *Resolved,* That this House deeply deplore the sudden death of George R. Griffin, Esq., a member of this House from Jackson county.

2d. *Resolved,* That we sympathize with his family in the misfortune that has befallen them in this painful dispensation of Providence.

3d. *Resolved,* That we will attend the funeral rites of the deceased, and will wear the usual badge of mourning around the left arm for thirty days.

4th. *Resolved,* That a committee be appointed on the part of the House to act with such committee as may be appointed on the part of the Senate to make the necessary funeral arrangements.

5th. *Resolved,* That the members of this House will meet in the Representative Hall, at two o'clock P. M., for the purpose of forming a funeral procession.

6th. *Resolved,* That the Speaker of the House transmit to the family of the deceased, a copy of these resolutions.

Which was adopted.

Whereupon, Messrs Williams, Clemens and Wynn were appointed said committee on the part of the House. Ordered, that the clerk acquaint the Senate therewith, and ask its concurrence.

On motion of Mr Clemens,

Resolved, That the doorkeeper be authorized to furnish the members of this House with the usual badge of mourning.

A message was received from the Senate by Mr Hill, informing the House that the Senate concurred in the resolutions in reference to the death of the

Hon. George R. Griffin, and that the committee on the part of the Senate, consisted of Messrs Terry, Turner and Creagh; which was ordered to lie upon the table.

The House adjourned until two o'clock this afternoon.

TUESDAY, 2 o'clock, P. M. November 24, 1840.

The House met pursuant to adjournment.

On motion of Mr Young, the House adjourned until to-morrow morning, ten o'clock, for the purpose of attending the funeral rites of George R. Griffin Esq. formerly a member of this House.

WEDNESDAY, November 25, 1840.

The House met pursuant to adjournment.

Mr James J. Blair, a representative from the county of Dale, and Mr Kentchin R. Womack, a representative from the county of Wilcox, appeared in the Hall of the House, were qualified, and took their seats.

Mr Williams, on leave, offered the following resolution:

Resolved, That his Excellency, the Governor, be forthwith informed that a vacancy has occured in the representation of this House, by the death of George R. Griffin, Esq. of Jackson county, and that he be requested to transmit his writ of election to said county, so soon as practicable; which was adopted.

Message from the Senate by Mr Gordon:

Mr Speaker—The Senate has passed a bill of the following title, viz:

An act to change the times of holding the circuit courts of the second judicial circuit: also,

A joint resolution, as therein shewn; in which the concurrence of the House of Representatives is requested.

Mr Kelly presented the petition of sundry citizens of Benton county, praying the repeal of an act passed at the last session of the Legislature, entitled an act for the relief of Wm. Cunningham, of the county of Benton: also, the remonstrance of Wm. Cunningham, and many other citizens, against the repeal of said act; which were severally read, and on motion of Mr Kelly, referred to the committee on propositions and grievances.

Accounts were presented by Messrs Mann and Adrian; which were severally read and referred to the committee on accounts.

Mr Speaker presented the petition of sundry citizens of Barbour county, praying for a change as to the time of working on public roads; which was read and referred to the committee on roads, bridges and ferries.

Mr Moore of Marion, presented the petition of sundry citizens of Marion county, in relation to the three per cent. fund; which was read and referred to the committee on roads, bridges and ferries.

Mr Langdon presented the petition of sundry citizens, stockholders in the Fireman's Insurance Company of Mobile, praying for an amendment of the charter of said company; which was read; on motion of Mr Langdon, ordered that the same do lie on the table.

Mr Simmons presented the petition of sundry citizens of the counties of Pike, Butler, Covington and Lowndes, praying for an appropriation of ten thousand dollars, for the improvement of the navigation of Conecuh and Patsaliga rivers; which was read and referred to the committee on inland navigation.

Mr Rice presented the petition of Jacob D. Shelley, clerk of the circuit court of Talladega county, and A. J. Cotton, clerk of the county court of said county, praying for relief, as therein shewn; which was read and referred to the committee on propositions and grievances.

Ordered, that leave of absence be granted Messrs Norwood and Davidson, for a few days.

The bill from the Senate to change the time of holding the circuit courts of the second judicial circuit, was read and ordered to a second reading.

The joint resolution from the Senate was read the first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days, having been dispensed with, the resolution was read the second and third time and passed. Ordered, that the clerk acquaint the Senate therewith.

Mr Wynn, from the committee on roads, bridges and ferries, to which was referred the petition of sundry citizens of Jackson county, asking for an appropriation from the three per cent. fund, to aid them in building a bridge over Santa creek, on the main stage road from East Tennessee to South Alabama, reported that it is inexpedient to grant the pray of the petitioners; in which the House concurred.

Mr Wynn, from the same committee, to which was referred a petition on the same subject as the above, reported that it was inexpedient to legislate on the subject; in which the House concurred.

Mr Williams, from the select committee, to which was referred the bill from the Senate to change the time of making settlement between the tax collector and commissioners court of Jackson county, reported the same back with an amendment, as therein shewn, in which the House concurred, and the bill as amended, ordered to a third reading.

Mr Williams, from the select committee, to which was referred the bill to authorize justices of the peace to appoint overseers of roads, when vacancies may occur, after the regular appointment by the commissioners court, reported the same back amended, as therein shewn; in which the House concurred, and the bill as amended, ordered to be engrossed for a third reading.

Mr Mitchell, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, viz:

An act to divorce Sarah A. Jones from her husband, Jonathan Jones:

An act authorizing the judge of the county court and commissioners of roads and revenue, to assess and collect a tax to defray county claims in the county of Randolph:

An act to authorize the election of a tax collector in the county of Russell:

An act to change the names of John Chesley and Catharine Rodgers, and to make them the lawful heirs of John G. Tart, of Monroe county:

An act to repeal in part an act incorporating the city of Wetumpka: and,

An act authorizing the election of an assessor and tax collector for the county of Benton.

Mr Hunter, from the committee on inland navigation, to which was referred the petition of Benjamin C. Lansdale, from the county of Henry, praying longer time for the completion of his contract made with the commissioners for the improvement of the Choctawhatchie river, and for alteration of the terms of payment therein specified, reported a bill for the relief of Benjamin C. Lansdale, of the county of Henry; which was read the first time.

Mr Hunter moved that the constitutional rule be dispensed with for the purpose of giving the bill a second reading forthwith; which was lost. The bill was ordered to a second reading.

Mr Griffin of M, from the select committee, to which was referred the petition of sundry citizens of Marshall county, praying for a permanent location of a seat of justice for said county, reported a bill permanently to locate the seat of justice for Marshall county, and for other purposes; which was read and ordered to a second reading.

Mr Griffin of M. from the select committee, to which was referred a bill to authorize the tax collector for the county of Marshall, to receive jury certificates in payment of taxes due said county, reported the same back to the House amended by an additional section; in which the House concurred, and the bill, as amended, ordered to be engrossed for a third reading.

Mr Walker of B. from the committee on the military, to which was referred a resolution instructing them to inquire into the expediency of repealing the law now in force requiring brigade encampment drills, reported a bill to repeal that part of the military law which requires brigade encampment drills, and for other purposes; which was read and ordered to a second reading.

Mr Little, from the select committee, to which was referred the petition of the citizens of township nineteen, range two west; and also a bill to be entitled an act authorizing the erection of two township school houses in the town of Livingston, Sumter county, reported the same back to the House amended, as therein shewn; in which the House concurred, and the bill as amended, ordered to a third reading.

Mr Bates, from the select committee, to which was referred Senate bill to incorporate the Torrent Fire Engine company, number five, of the city of Mobile, reported the same back without amendment. The bill was read the second time and ordered to a third reading.

The House resumed the consideration of the minority report of the commissioners appointed by the Governor to examine the branch of the Bank of the State of Alabama, at Montgomery.

Mr Morris moved for leave to withdraw the report.

Mr Rice moved that the report do lie upon the table; which was carried.

The House resumed the consideration of the bill, (and report of the committee on the judiciary thereon,) to be entitled an act to compensate witnesses in certain cases.

The question being on ordering said bill to be engrossed.

Mr Moore of Mad. moved that the further consideration of the bill be postponed indefinitely; which was carried.

Mr Perkins offered the following resolution:

Resolved by the House of Representatives of the State of Alabama, That the President of the Bank of the State of Alabama communicate to this House the authority in the charter by which said Bank loaned to the Bank of Mobile seven hundred thousand dollars ($700,000,) at what rate of interest; if over six per cent., how much; if under, how much under; what security taken; if by note or notes; the names of principal and securities; if by bill or bills; the names of drawers, indorsers and acceptors: and also, whether or not, if the amount above referred to, or the half thereof, had been loaned to the citizens of the State on notes not exceeding two thousand dollars; or purchasing bills, each, not exceeding five thousand dollars, a more full circulation would not have been in the counties in the neighborhood of the Bank, out of which the debtors could more readily have obtained the means of discharging their indebtedness to said Bank, and thereby promoted the prosperity of the Bank and the people.

Which were adopted.

The hour of twelve o'clock having arrived, Mr Perkins moved a suspension of the orders of the day; which was lost.

The House proceed to the orders of the day, and took up the special order, being a bill to change the time of convening the General Assembly of the State of Alabama.

Mr Mann moved that the bill do lie upon the table; which was carried. Yeas 46—Nays 42.

The yeas and nays were demanded. Those who voted in the affirmative, are Messrs Adrian, Ashurst, Bates, Bell, Blackshear, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davis of B. Davis of L. Dixon, Flemming, Griffin of M. Hale, Hall, Hill, Hollinger, Hughs, Kelly, Little, Mangum, Mann, McCullough, McGill, McLemore, McMillion of B. Moore of mad. Morris, Norris, Peguese, Peterson, Prince, Provence, Pynes, Saunders, Seawell, Shanks, Simmons, Smith of L. Spruill, Walker of L. Williams, and Womack.

Those who voted in the negative, are Messrs Adams, Alexander, Blair, Clemens, Cobb, Davenport, Davis of A. Doster, Douglass, Fitzpatrick, Fowler, Griffin of S. Houston, Hunter, Inge, Jemison, Jones, King, Mallard, *M*archbanks, McAlpin, McClanahan, *M*cCoy, McMillion of J. Mitchell, Moore of Marion, Moores, Murphy, Perkins, Randolph, Reynolds, Rice, Roberts, Smith of J. Stone, Strode, Walker of B. Wann, Wilson, Winston of DeK. Winston of S. and Young.

The House proceeded to consider the motion heretofore made by Mr Williams, to reconsider the vote taken on concurring in the report of the committee on the judiciary, on the resolution heretofore submitted by Mr Winston of DeK. proposing an amendment to the constitution in relation to the jurisdiction of justices of the peace: and the question having been taken on said motion it was decided in the negative. Yeas 36—Nays 53. The yeas and nays were demanded.

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Blackshear, Cobb, Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Hughs, Kelly, King, Mallard, Mann, Marchbanks, McMillion of J. Moores, Norris, Peterson, Pynes, Randolph, Rice, Saunders, Shanks, Smith of J. Stone, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. and Winston of S.

Those who voted in the negative, are Messrs Ashurst, Bates, Bell, Blair, Blount, Bowen, Bradley, Broughton, Campbell, Clemens, Crenshaw, Davenport, Davis of A. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Houston, Hunter, Inge, Jemison, Jones, Langdon, Little, Mangum, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. Mitchell, Moore of Mad. Moore of Marion, Morris, Murphy, Peguese, Perkins, Prince, Provence, Reynolds, Roberts, Seawell, Simmons, Smith of L. Spruill, Strode, Womack, Wynn and Young.

Engrossed bill to divorce Gertrude Tankersly from her husband Richard Tankersly, was read the third time and passed by the constitutional majority. Ordered, that the title be as aforesaid and that it be sent to the Senate for its concurrence.

Bills from the Senate of the following titles:

An act to repeal an act authorizing the sheriff of Blount county to serve process issued by justices of the peace.

An act excluding certain lands from the jurisdiction of the corporation of the town of Benton; and

A joint memorial of the General Assembly of the State of Alabama, to the

Congress of the United States, in relation to a land district in the Cherokee nation:

Were severally read the third time and passed. Ordered, that the clerk inform the Senate

The bill to establish a criminal code for the State of Alabama, was read the second time, and on motion of Mr McAlpin, laid on the table.

Bills of the following titles:

Regulating sales by sheriff of the county of Bibb:

For the benefit of the Alabama Fencibles:

To incorporate a male and female academy, at the town of McDonald in the county of Randolph:

Requiring the judge of the county court of Shelby county, to reside at, or within three miles of the court house:

Were severally read the second time, and ordered to be engrossed for a third reading.

The bill from the Senate to appoint a committee of finance for the county of Pike, and for other purposes, was read the second time, and ordered to a third reading.

The bill from the Senate to repeal in part, an act entitled, an act in relation to sixteenth sections, approved, February 3d, 1840, was read the second time, and referred to the committee on education.

The bill from the Senate for the support of paupers in the county of Benton, was read the second time.

Mr Langdon moved that it be referred to the committee on propositions and grievances; which was lost: the bill was ordered to a third reading.

Joint resolutions from the Senate requiring the Secretary of State to furnish the printers with copies of the acts so soon as approved by the Governor, was read a second time, and ordered to a third reading.

Message from the Governor by Mr Bagby.

Mr Speaker—I am instructed by the Governor, to inform your honorable body, that he has approved, and signed bills of the following titles, viz:

An act to repeal in part, an act entitled, an act to regulate the proceedings of the courts and the compensation of witnesses in the counties of Lowndes, Talladega, Butler and others, approved, January 9th, 1840.

An act to appropriate the surplus funds in the county treasury of St. Clair county:

An act to change the mode of assessing and collecting the taxes of Pike county:

And an act for the relief of Louisa Stewart, of Randolph county:

All of which originated in the House of Representatives.

The bill to change the time of holding the August term of the commissioner's court of roads and revenue, in the county of Henry, was read a second time and on motion of Mr. Inge, referred to the committee on the Judiciary.

The bill to repeal in part an act to regulate trials before justices of the peace, passed December 31, 1830, so far as relates to the county of Pickens, was read the second time, and on motion of Mr McGill, referred to a select committee, consisting of the delegation from the county of Pickens.

Mr Fitzpatrick moved that the House adjourn until ten o'clock to-morrow which was lost.

The bill to compensate certain persons therein named was read a second time and referred, on motion of Mr Stone, to the committee on accounts.

The bill for the relief of Hugh Barclay, of the county of Talladega, was read the second time and on motion of Mr McClannahan, referred to the committee on the State Bank and Branches.

The House adjourned until to morrow at ten o'clock.

THURSDAY, November 26, 1840.

The House met pursuant to adjournment.

Mr Murphy presented the account of James C. Locke, sheriff of Greene county; which was read and referred to the committee on accounts.

Mr Adrian on leave introduced a bill to be entitled an act requiring the clerk of the county court of Randolph to issue license to retailors of spirits in vacation of said court; which was read and ordered to a second reading.

Mr Inge presented the petition of sundry citizens of the counties of Sumter and Washington, praying for the establishment of a new county; which was read and referred to the committee on county boundaries.

Mr King presented the memorial of Benjamin Sherrod, M. Tarver, and David Goodloe, sr. praying for relief in certain debts due the State; which was read and referred to the committee on the State Bank and Branches.

Mr Wynn from the committee on roads bridges and ferries, to which was referred the petition of sundry citizens of Jackson county, asking an appropriation from the three per cent. fund to aid them in building a bridge in said county; reported that it was inexpedient to grant the request of the petitioners. In which the House concurred.

Mr Winston of D. from the committe on the judiciary, to which was referred a bill to repeal in part an act therein named, reported the same back with an amendment; in which the House concurred.

Mr Fitzpatrick moved that the further consideration of the bill be indefinitely postponed; which was lost.

Mr Clemens moved that the bill be recommitted; which was carried.

Message from the Governor, by Mr Bagby.

Mr. Speaker—I am instructed by His Excellency the Governor, to inform your honorable body that he has approved and signed bills of the following titles, to wit:

An act to divorce Sarah A. Jones from her husband Jonathan Jones.

An act authorizing the Judge of the county court and commissioners of roads and revenue, to assess and collect a tax to defray county claims in the county of Randolph.

An act to authorize the election of a tax collector in the county of Russell.

Mr Moore of Mad. from the committee on the State Bank and Branches, to which was referred the petition of Chambless & Mundy, reported that the prayer of the petitioners is unreasonable and ought not to be granted.

Mr Hunter moved that the report be laid on the table; which was carried.

Mr Moore from the same committee to which was referred the petition of H. P. Cochran, reported that the case presented should receive the favorable consideration of the President and Directors of the Bank of the State of Alabama, and asked leave to be discharged from the further consideration of the subject. The report was concurred in and the committee discharged.

Ordered that Mr Perkins have leave to withdraw the report and petition.

Mr Moore of Mad., from the same committee, to which was referred a resolution to inquire into the expediency of requiring all the Banks of the State to redeem their notes in specie (of persons wishing to make an entery of land in this State) from fifty to two hundred dollars, reported that it is inexpedient to legislate on the subject, in which the House concurred.

Mr Moore of Mad., from the committee to which was referred a resolution, to inquire into the expediency of appointing one or more suitable and responsible agents in each county of this State, for the purpose of superintending the business of the Banks in their respective counties, and of recommending all the bills and notes that may be presented to the Banks; reported that it is inexpedient to legislate on the subject.

Mr Morris moved that the report be laid on the table; which was lost and the report concurred in.

Mr Walker of B., from the committee on the military, to which was referred so much of the Governor's message, as relates to the subject, reported the following resolution:

Resolved, That the clerk of this House be requested to furnish the committee on the military with all vouchers and original accounts which may be on file among the finished and unfinished business of his office in relation to appropriations made by the General Assembly for the benefit of individuals for service, provisions, arms, amunition, camp equipage, &c. in the late Indian hostilities; which was adopted.

Mr Saunders from the committee on the judiciary to which was referred a resolution instructing them to inquire into the expediency of abolishing the common law jurisdiction of the county courts of this State, reported that it is inexpedient to legislate on the subject, in which the House concurred. Yeas 77, nays 12. The yeas and nays were demanded.

Those who voted in the affirmative are Messrs Speaker, Adams, Adrian, Alexander, Bates, Bell, Blackshear, Blair, Bowen, Broughton, Campbell, Clemens, Cobb, Davis of A., Davis of B , Davis of L , Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M., Griffin of S., Hall, Hill, Hollinger, Houston, Inge, Jemison, Kelly, Kidd, King, Langdon, Little, Mangum, Mallard, Marchbanks, McAlpin McClanahan, McCoy, McCullough, McGill, McMillion of B., McMillion of J., Mitchell, Moore of Mad., Moore of Marion, Morris, Norris, Perkins, Peterson, Prince, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Seawell, Shanks, Simmons, Smith of J., Smith of L., Spruill, Stone, Strode, Walker of B., Walker of L , Wann, Williams, Wilson, Winston of D., Winston of S., Wynn and Young.

Those who voted in the negative, are Messrs Blount, Bradley, Crenshaw, Davenport, Dixon, Hunter, Jones, Moores, Murphy, Peguese and Womack.

Mr Saunders from the select committee to which was referred a resolution directing them to inquire into the expediency of a law granting a stay for a limited time on execution from the courts of record, reported that it is inexpedient to legislate on the subject, in which the House concurred.

Mr Hall submitted the following resolutions:

Whereas, in the language of the declaration of independance, it is asserted that certain truths are self evident, viz: That all men are created equal, that they are endowed by their creator with certain unalienable rights, and that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed: that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a form of government laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Moreover, as in the constitution of the State of Alabama, article first, section second, it is declared, that all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and, therefore, that they have at all times an unalienable and indefeasable right, to alter, reform or abolish their form of government in such manner as they may think expedient. Farther, as it was the doctrine of our patriotic and republican fathers of 1776, transmitted to their republican sons of 1800, and still believed in and acted out by the republicans of 1840, that sovereign supremacy resides in, and belongs to the people alone, and that whenever they part with or delegate any of their power, it is for particular and specified objects and purposes.

Be it therefore Resolved, That it is the duty of all agents, or delegates who derive their power from the sovereign people to conform their actions to the of those will from whom they derive their authority.

2d. *Resolved*, That whenever any delegated power is abused, it is both the duty and the interest of the people, not only to change their agents or delegates, but to take back into their own hands, the powers conferred their agents.

And whereas, the constitution of the State of Alabama confers upon the General Assembly the power of electing judges of the inferior courts, which power is liable to be abused, to subserve party or other purposes; as for example the judge of the county court of Baldwin county, a county situated upon the extreme southern border of our State, may be elected by the votes and through the influence of the members from the county of Madison, a county situated upon our extreme northern border, and distant from the county of Baldwin four hundred miles, and as the people from the county of Baldwin, as of all other counties of the State, are in the opinion of the Legislature, entirely capable of selecting their own, and appropriate county officers, and as the business of the judges of the county court is merely confined to the particular county in which any judge may reside, and as it is more conformable to the republican doctrines set forth above, and as the doctrine of the capacity. of the American people for self government is dear to the heart of every citizen of these United States.

Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the following amendment of the constituton of the State of Alabama be proposed to the people of said State which when voted for by a majority of all the citizens of the State voting for Representatives, and ratified by two thirds of each House of the next General Assembly voting by yeas and nays shall be valid to all intents and purposes, as a part of the constitution, viz: In the fifth article and twelfth section, strike out the words ‘ and judges of the inferior courts,’ and insert as an additional section the following words:

All judges or justices of inferior courts of law or equity, shall be elected by the qualified electors voting for representatives at the same time and in the same manner as is now prescribed by law for the election of commissioners of roads and revenue.

Which was read the first time and ordered to a second reading.

Mr Saunders from the select committee, to which was referred a resolution instructing them to inquire into the expediency of changing the time of holding the general elections in this State, reported that it is inexpedient to make the change aforesaid in the time of holding the general election.

Mr Moores moved that the report lie on the table—which was lost.

Mr Young moved that the report be recommitted—which was carried.

Mr Speaker laid before the House the record and decree of the chancery court holden at Mobile, divorcing William G. Haun from his wife Catharine Haun, which was read, and on motion, referred to the committee on divorce and alimony.

The hour of twelve having arrived,

Mr Jemison moved a suspension of the orders of the day for half an hour—which was carried.

Mr Smith of J. introduced a bill to change the mode of assessing and collecting the taxes in the county of Jackson, which was read and ordered to a second reading.

Mr *Moore* of Madison introduced a bill relative to the Tuscaloosa *Manufacturing* Company, which was read the first time, and ordered to a second reading.

Mr Langdon introduced a bill to be entitled, an act in relation to practising physicians, which was read and ordered to a second reading.

Mr Moore of Marion, introduced a bill to repeal two acts therein named, so far as they apply to the counties of Marion, DeKalb and Tallapoosa, which was read and ordered to a second reading.

Mr Griffin of S. introduced a bill to amend an act, entitled an act to incorporate the town of Columbiana, in the county of Shelby, approved, 6th December, 1837, which was read and ordered to a second reading.

Mr Jemison introduced a bill to change the time of holding certain chancery courts therein named, which was read and ordered to a second reading.

On motion of Mr Provence,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of repealing the law abolishing imprisonment for debt.

Resolved, That they be further instructed to inquire into the expediency of so altering or amending the existing law as to authorize the issuance of bail writs and *ca. sa's.* in cases where the defendants are either non-residents, or about to become such; and that they be instructed to report by bill or otherwise.

Mr Houston introduced a bill to provide for the payment of petit jurors in the county of Washington, which was read and ordered to a second reading.

Mr Moores introduced a bill to amend a certain act therein named, which was read and ordered to a second reading.

Mr Rice introduced a bill to limit the sessions of the circuit court to three weeks, in the county of Talladega; which was read and ordered to a second reading.

Mr Mangum introduced a bill for the relief of James Bennett and others, of the county of Russell; which was read and ordered to a second reading.

Mr Norris introduced a bill to amend an act entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its Branches, and legalizing the suspension of specie payments, and for other purposes, approved June 30, 1837.

On motion of Mr Mangum,

Resolved, That the committee on propositions and grievances be instructed to inquire into the expediency of so changing the law in relation to mills and millers, whereby they are compelled to give each turn in rotation, in such manner that millers shall not be compelled to turn off or delay the grinding of the grain of his regular and constant customers.

Mr Rice offered the following resolution:

Resolved, That after the adoption of this resolution, the House of Representatives will, at two o'clock, P. M. of each legislative day of the present session, take a recess until three o'clock, P. M.

Mr Reynolds moved that the resolution do lie upon the table; which was carried. Yeas 62—Nays 27.

The yeas and nays were demanded. Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Bates, Bell, Blount, Bowen, Bradley, Broughton, Clemens, Crenshaw, Davenport, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Griffin of S. Hall, Hollinger, Houston, Inge, Jemison, Jones, Kelly, Kidd, King, Langdon, Little, Mallard, Mann, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moores, Morris, Murphy, Norris, Perkins, Peterson, Prince, Provence, Pynes, Randolph, Reynolds, Roberts, Saunders, Seawell, Shanks, Strode, Walker of B. and Walker of L.

Those who voted in the negative, are, Messrs Blair, Campbell, Cobb, Flemming, Garrett, Griffin of M. Hale, Hill, Hughs, Hunter, Mangum, McLemore, Moore of Mad. Moore of Marion, Peguese, Rice, Simmons, Smith of J. Smith of L. Spruill, Stone, Wann, Williams, Wilson, Winston of DeK. Winston of S. and Womack.

Mr Campbell introduced a bill to prevent frauds in certain cases; which was read and ordered to a second reading.

On motion of Mr Perkins,

Resolved, That the committee on the State Bank and Branches, inquire and report whether the Bank of the State of Alabama, in the years 1838 and 1839, loaned any of its currency to the Branch of the Bank of the State of Alabama at Mobile, and whether or not, the balance at the time specified in the President's annual report of this year, did accrue from collections made by said Branch Bank for the said State Bank.

The House proceeded to consider the orders of the day.

Engrossed bills of the following titles:

An act requiring the judge of the county court of Shelby county, to reside at or within three miles of the court house:

An act regulating sales by the sheriff of the county of Bibb:

An act for the benefit of the Alabama Fencibles:

An act to authorize justices of the peace of Jackson county, to appoint overseers of roads, where vacancies may occur after the regular appointment by the commissioners' court,

Were severally read the third time and passed. Ordered, that they be entitled as above, and sent to the Senate for its concurrence.

Bills from the Senate, of the following titles, viz:

An act to change the time of making settlements between the tax collector and commissioners' court of Jackson county:

An act to incorporate the Torrent Fire Engine Company, number five, of the city of Mobile:

An act for the support of paupers, in the county of Benton;

Joint resolutions requiring the Secretary of State to furnish the printer with copies of the acts, so soon as approved by the Governor,

Were severally read the third time and passed. Ordered, that the clerk inform the Senate.

Engrossed bill to incorporate the male and female academy, at the town of McDonald, in the county of Randolph, was read the third time. Mr Moore of Mad. moved to amend by way of engrossed ryder, which was carried, and the bill passed. Ordered, that the title be as above, and that it be sent to the Senate for its concurrence.

Engrossed bill to authorize the tax collectors of the counties of Marshall, Chambers and Talladega, to receive juror's certificates in payment of taxes due said counties, was read the third time. Mr Rice moved to amend by way of engrossed ryder, which was carried and the bill passed. Ordered, that it be entitled as above, and sent to the Senate for its concurrence.

The bill from the Senate to appoint a committee of finance in the county of Pike, and for other purposes, was read the third time and passed. Ordered, that the clerk inform the Senate.

Bills to be entitled as follows:

An act to prevent office holders under the United States, or either of them, from holding office under this State:

An act to hold an election for sheriff of the county of Covington:

An act requiring the judge of the county court of Randolph to perform certain duties therein named:

An act for the further prevention of frauds:

An act to secure the collection of taxes on lands belonging to non residents, in the county of Washington:

An act to grant jury trials in justice's courts in the county of Cherokee, and for other purposes therein named:

An act for the benefit of Matthew H. Roberts:

An act to authorize justices of the peace to close the unfinished business on their dockets:

An act to incorporate the Stockton Steamboat and Warehouse Company, in the county of Baldwin:

Were severally read the second time, and referred to the committee on the judiciary.

The bill to amend an act in relation to sixteenth sections, approved February 3d, 1840, was read the second time. Mr Rice moved to amend by adding after the word 'De Kalb,' the word 'Henry,' which was carried, and the bill as amended, referred to the committee on education.

The bill to assist the Montgomery Rail Road Company, was read the second time, and referred to the committee on inland navigation.

The following bills, viz:

To authorize the election of an assessor and tax collector, for the county of De Kalb:

To repeal the fifth section of an act to incorporate the town of Fredonia, in Chambers county, approved February 4, 1840:

Were severally read the second time and ordered to be engrossed for a third reading.

The bill to amend the several acts in relation to chancery proceedings, was read the second time, and referred to the joint committee on the chancery system.

The bill to improve that portion of the Bigby river above its junction with the Black Warrior, not heretofore embraced in any act for the improvement of the Bigby river, was read the second time, and on motion of Mr McGill, referred to a select committee, consisting of the delegations from the counties of Greene, Sumter and Pickens.

The bill to form a certain county therein named, and for other purposes, was read the second time, and referred, on motion of Mr Mann, to a select committee consisting of the delegations from the counties of Barbour and Henry.

The Senate bill, to repeal in part, an act approved February 3, 1840, in relation to sixteenth sections, so far as relates to the counties of De Kalb, Cherokee, Tuscaloosa, Barbour and Talladega, was read the second time and referred to the committee on education.

The bill to authorize Henry Hunter of Dallas county, to erect a gate or gates, upon that part of the public road which runs through his land opposite the town of Lexington, in said county, and for other purposes, was read the second time.

The House adjourned until to-morrow, ten o'clock.

FRIDAY, November 27, 1840.

The House met pursuant to adjournment.

Mr Mann presented the petition of sundry citizens of Barbour county, praying for a reduction by law of the rates of wharfage now charged at the Irwinton wharf in said county, which was read, and on motion of Mr Mann, referred to a select committee consisting of the delegation from Barbour county.

Mr Kelly presented the petition of sundry citizens of Benton county, praying for the discontinuance and establishment of election precincts, which was read and referred to the committee on privileges and elections.

Mr Murphy presented the petition of the officers of the sixth and thirteenth brigades, third division of Alabama militia, praying for a re-organization of the said division, which was read and referred to the committee on the military.

Mr Wynn asked and obtained leave to withdraw the petition of Matthew H. Roberts.

Mr Rice presented the petition of many citizens of Talladega county, praying the passage of a law giving time for the redemption of real estate sold by execution, which was read and referred to the committee on the judiciary.

Mr Houston presented the petition of sundry citizens of Washington county, in relation to a removal of the court house of said county, which was read and on motion of Mr Houston, referred to a select committee consisting of the delegations from the counties of Washington and Clark.

Mr Wynn from the committee on roads, bridges and ferries, to which was referred the petition of sundry citizens of Marion county, asking an appropriation from the three per cent. fund, for the purpose of clearing out Buttahatchie river, reported that it is inexpedient to grant the request of the petitioners; in which the House concurred.

Mr Wynn from the same committee, to which was referred the petition of sundry citizens of Barbour county, asking for an alteration in the present method of working on the public roads, reported that it is inexpedient to legislate upon the subject; in which the House concurred.

Mr Hill from the committee on accounts and claims, to which was referred the account of B. W. Hodges, sheriff of Pike county, reported that it is not properly authenticated, and asked to be discharged from its further consideration. The committee was discharged, and leave granted Mr Dixon to withdraw the account.

Mr Hill from the same committee, to which was referred the account of W. J. Campbell, sheriff of Coosa county, reported that said account is not properly authenticated, and asked leave to be dischaaged from its further consideration. Mr Morris moved that the report lie upon the table, which was carried, and leave granted to withdraw the account.

Mr Hill, from the same committee, to which was referred the petition of Peter L. Neal, praying the appropriation of eighty-five dollars, as damages sustained in the discharge of his duties as deputy sheriff of Tallapoosa county, reported that his claim is not sufficiently authenticated. and asked to be discharged from its further consideration. Mr Stone moved that the report lie upon the table; which was carried, and leave granted to withdraw the account.

Mr Jones, from the committee on accounts, to which was referred the account and claim of James M. McClanahan, E. M. Williams, Thomas S. Roach and Lewis & Bolling, reported a bill to be entitled an act making appropriations for the payment of certain claims against the State; which was read and ordered to a second reading.

Ordered that leave of absence be granted to Messrs Moore of Marion, Marchbanks and Little, for a few days.

Mr Bowen introduced a bill to attach a part of the county of Wilcox to the county of Butler, and for other purposes; which was read and ordered to a second reading.

Mr Langdon introduced a bill to amend an act to incorporate the Fireman's Insurance Company of the city of Mobile; which was read and ordered to a second reading.

Mr Seawell, introduced a bill to regulate the commissions of sheriffs in cases of forthcoming bonds; which was read and ordered to a second reading.

Mr Mallard introduced a bill to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county; which was read and ordered to a second reading.

Mr McMillion of J. introduced a bill to amend an act entitled an act to establish a board of commissioners for the improvement of the Black Warrior river, and for other purposes, approved, February 1, 1839; which was read and ordered to a second reading.

Mr Winston of S. offered the following preamble and resolution:

Whereas equal rights and privileges should in all cases form the basis of legislative action, it therefore becomes necessary and proper to inquire into the present inequality of advantages in the distribution of the banking capital of this State, for the redemption of which the people of Alabama, are all equally bound.

In estimating the population and wealth of the northern and southern parts of the State, it will be seen that the north has an undue proportion of banking capital. It will also be conceded that the northern part of our State has more capital than the wants of the people actually require, or is necessary for the promotion of the true interest of either the people or the banks of the State.

There is, perhaps, no part of the State that has stronger claims, and is at this time, more destitute of banking facilities, than that portion composed of the counties of Sumter, Pickens, Greene and Marengo.

These counties produce the great staple of the South, double, at least, of the entire northern portion of the State. Believing that justice requires that we should enjoy an equality of facilities and privileges, as we will be required to bear an equal portion of the burthens of the State; and to enable us to do so,

Be it therefore Resolved, That the committee on the State Bank and branches, be instructed to inquire into the expediency of removing a portion of the banking capital of the Bank at Decatur, to the town of Gainesville, in the county of Sumter, for the purpose of establishing an office of discount and deposit, or a branch bank at that place; with leave to report by bill or otherwise.

Which were adopted.

On motion of Mr Smith of J.

Resolved, That the committee on the judiciary inquire into the expediency of granting a longer stay on executions; with leave to report by bill or otherwise.

On motion of Mr Davenport,

Resolved, That the Comptroller of Public Accounts, be requested to report to this House the amount of the three per cent. fund, together with the annual interest accruing thereon; and also, what appropriations have been made, and for what purposes appropriated.

On motion of Mr Wilson,

Resolved, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at the House of Robert Hughes, in the county of De Kalb.

On motion of Mr Fitzpatrick,

Resolved, That the committee on the State Bank and branches, be instructed to inqure into the expediency of extending the same relief to those who borrowed money from any of said banks during the present year, (1840,) under the relief law of the last Legislature, instructing our banks, each to loan or put in circulation, five hundred thousand dollars, which is intended by the provisions of that law, to bank debtors; with leave to report by bill or otherwise.

Mr Blackshear introduced a bill to regulate taxation for the county of Henry; which was read and ordered to a second reading.

On motion of Mr Moores,

Resolved, That the committee on roads, bridges and ferries be instructed to inquire into the propriety of exempting ministers of the gospel from paying ferriage or toll, on public bridges and ferries.

Mr Fleming introduced a bill to authorize and compel the tax collector for the county of Covington, to receive in payment of taxes for said county, jury certificates for services rendered in the circuit and county courts, and for other purposes; which was read and ordered to a second reading.

Mr Stone introduced a bill in relation to bonds given by the officers of the Bank of the State of Alabama and its branches; which was read and ordered to a second reading.

Mr Hale introduced a bill to alter and amend an act for the benefit of the settlers on the public lands in the limits of the State of Alabama, approved, February 3, 1840: which was read and ordered to a second reading

Mr Hale introduced a bill to authorize the election of an assessor and tax collector for the county of Cherokee; which was read and ordered to a second reading.

Mr Saunders from the committee on the judiciary, to which was referred a resolution directing them to inquire into the expediency of passing a law compensating jurors in trials of right of property before justices of the peace, reported that it was inexpedient to legislate on the subject; in which the House concurred.

Mr Garrett, from the select committee, to which was referred a bill to repeal in part an act entitled an act to attach a part of Benton to Talladega county, and for other purposes, approved, December 23, 1836, reported the same back amended by a substitute; in which the House concurred.

Mr Walker of B. moved that the bill do lie upon the table; which was lost. Yeas 34—Nays 50.

The yeas and nays were demanded: those who voted in the affirmative, are Messrs Speaker, Adrian, Alexander, Blackshear, Blount, Clemens, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Hughs, Jones, Kelly, King, Mallard, McClanahan, McCullough, Moore of Mad. Provence, Pynes, Randolph, Reynolds, Saunders, Seawell, Smith of L. Spruill, Strode, Walker of B. Walker of L. Williams, Winston of S. and Wynn.

Those who voted in the negative, are Messrs Ashurst, Bates, Bell, Blair, Bowen, Bradley, Broughton, Campbell, Cobb, Crenshaw, Davenport, Davis of B. Doster, Flemming, Garrett, Hale, Hall, Hill, Hollinger, Hunter, Inge, Jemison, Kidd, Langdon, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moores, Murphy, Norris, Peguese, Perkins, Peterson, Prince, Roberts, Shanks, Simmons, Smith of J. Stone, Wann, Wilson, Winston of DeK. and Young.

The bill as amended was ordered to be engrossed for a third reading.

Mr Williams introduced a bill to authorize justices of the peace to give longer stay on judgments obtained before them; which was read and ordered to a second reading.

Mr Dixon introduced a bill to raise a fund for the payment of jurors for the county of Pike; which was read and ordered to a second reading.

Mr Mitchell introduced a bill for the improvement of the navigation of the Black Warrior river, from its junction with the Tombeckbee to the city of Tuscaloosa: which was read and ordered to a second reading.

Mr Langdon, from the committee on divorce and alimony, to which was referred the record and proceedings and decree of the chancery court, divorcing William G. Hawn from his wife, Catharine Hawn, reported a bill to divorce William G. Hawn from his wife, Catharine Hawn; which was read and ordered to a second reading.

The House proceeded to consider the orders of the day.

Engrossed bills to be entitled,

An act to explain an act entitled an act to appoint administrators in certain cases:

An act to repeal the fifth section of an act to incorporate the town of Fredonia, in Chambers county, approved, February 4, 1840; and,

An act to authorize the election of an assessor and tax collector for the county of De Kalb, were severally read the third time and passed. Ordered, that they be entitled as above, and sent to the Senate for its concurrence.

The House resumed the consideration of the bill to authorize Henry Hunter of Dallas county, to erect a gate or gates upon that part of the public road which runs through his land, opposite the town of Lexington, in said county, and for other purposes.

Mr Norris moved that the further consideration of the bill be indefinitely postponed, which was lost. Mr Norris moved to amend the bill by way of proviso, as follows: *Provided*, that the said Hunter refund to the county the money heretofore paid him for the damages he sustained by said road; which was lost. The bill was ordered to be engrossed for a third reading.

Bills to be entitled as follows:

An act for the relief of the citizens of De Kalb county, who reside in Deer Head Cave.

An act for the relief of Benjamin C. Lansdale, of the county of Henry:

An act permanently to locate the seat of justice of Marshall county, and for other purposes, were severally read the second time and ordered to be engrossed for a third reading.

The bill to incorporate an institution of learning therein named, was read the second time, and referred to the committee on the judiciary.

The bill from the Senate to amend the laws on the subject of public roads, was read the second time and laid upon the table.

The bill from the Senate in relation to the recommendation of papers for purchase or discount to the Bank of the State and its several branches, was read the second time. Mr Mann moved that the further consideration of the bill be postponed indefinitely; which was lost. Yeas 34—Nays 52.

Those who voted in the affirmative, are Messrs Speaker, Adrian, Alexander, Bell, Blair, Broughton, Campbell, Davenport, Davis of B. Fitzpatrick, Flemming, Garrett, Hall, Hollinger, Kidd, Langdon, Mangum, Mann, McAlpin, McCullough, McGill, Moore of Mad. Moores, Murphy, Peguese, Peterson, Prince, Reynolds, Roberts, Saunders, Seawell, Simmons, Stone, Strode and Walker of L.

Those who voted in the negative, are Messrs Adams, Ashurst, Blackshear, Blount, Bowen, Bradley, Clemens, Cobb, Crenshaw, Davis of A. Davis of L. Dixon, Doster, Douglass, Fowler, Griffin of M. Griffin of S. Hale, Hill, Houston, Hughs, Hunter, Inge, Jemison, Jones, Kelly, King, Mallard, McClanahan, McCoy, McMillion of B. McMillion of J. Mitchell, Morris, Norris, Perkins, Provence, Pynes, Randolph, Rice, Shanks, Smith of J. Smith of L. Spruill, Walker of B. Wann, Williams, Wilson, Winston of DeK. Winston of S. Womack and Wynn.

Mr Rice moved to amend the bill by striking out all after the enacting clause and inserting a substitute.

Mr Jemison moved that the bill be referred to the committee on the State Bank and Branches; which was carried.

The bill from the Senate to amend the law concerning judicial attachments, was read the second time, and referred to the committee on the judiciary.

The bill from the Senate, to alter and amend the law respecting dower, was read the second time, and referred to the committee on the judiciary.

The bill from the Senate, to prevent fraud in the sale of land and negroes by sheriffs and other officers, was read the second time.

Mr Morris moved that it be referred to a select committee; which was carried: whereupon Messrs Morris, McLemore, and Bates, were appointed said committee.

The bill from the Senate to change the times of holding the circuit courts of the second judicial circuit, was read the second time, and on motion of Mr. Crenshaw, referred to a select committee, composed of the delegation from the second judicial circuit.

The bill to repeal that part of the militia laws which requires brigade encampment drills and for other purposes, was read the second time, and referred to the committee on the militia.

The House adjourned until to-morrow ten o'clock.

SATURDAY, November 28, 1840.

The House met pursuant to adjournment.

Mr Norris moved to take from the table the petition of sundry citizens of Dallas county, in relation to the courts of the second judicial circuit, and that the same be referred to the select committee consisting of the delegation from the second judicial circuit, to which the bill from the Senate, on this subject, was referred.

Mr Speaker laid before the House, the annual report of the Comptroller of Public Accounts; which was read. Ordered, to lie upon the table, and one hundred and thirty copies ordered to be printed.

Ordered, that leave of absence be granted to Messrs Campbell, Blount, and Kidd for a few days.

Mr Speaker laid before the House the record of proceedings and decree of the chancery court divorcing A. Sanderson from his wife Susan Sanderson; which was read and referred to the committee on divorce and alimony.

Mr Inge from the committee on the judiciary, to which was referred a bill to authorize justices of the peace to close the unfinished business on their dockets, reported the same back, and recommended its passage.

Mr Morris moved that the further consideration of the bill be postponed indefinitely; which was carried.

Mr Murphy from the committee on the judiciary, to which was referred a bill for the further prevention of frauds, reported the same back to the House and recommended its passage.

Mr McAlpin moved that the further consideration of the bill be postponed until Thursday next, that the same be made the special order for that time, and that one hundred and thirty-five copies be printed: which was carried.

Mr Hill from the committee on accounts and claims, to which was referred the account of James Locke, reported that it is not properly authenticated, and asked leave to be discharged from the further consideration of the same. The committee was discharged.

Mr Hill from the same committee, to which was referred the account of James J. Pearce, reported it as not being properly authenticated, and asked to be discharged from its further consideration. The committee was discharged, and the account withdrawn.

Mr Hill from the same committee, to which was referred the account of Matthew J. Turnley, reported that it is not properly chargeable to the State, and asked to be discharged from its further consideration. The report was laid on the table, and the account withdrawn.

Also, reported the account of F. W. Pugh, as inexpedient to allow. The report was laid upon the table, and the account withdrawn.

Mr Hill from the same committee, to which was referred the account of C. J. Adkins, reported that one of said accounts is not chargeable to the State, and asked to be discharged from the further consideration of the same. The committee was discharged, and the account withdrawn.

Mr Hill from the same committee. to which was referred the account of William Owen, reported that one of the certificates enclosed in said account, is not chargeable to the State, and asked to be discharged from its further consideration. The committee was discharged, and the account withdrawn.

Mr Saunders from the committee on the judiciary, to which was referred a bill requiring the judge of the county court of Randolph county, to perform certain duties therein named, reported that it is inexpedient to pass said bill, in which the House concurred.

Mr Saunders from the same committee, to which was referred a bill to secure the collection of taxes, in Washington county, reported that it is unnecessary to pass said bill. The report was concurred in.

Mr Saunders from the same committee, to which was referred a bill to incorporate the Stockton Steamboat and Warehouse Company, in the county of Baldwin, reported that it is inexpedient to pass said bill.

Mr Bates moved that the report lie upon the table; which was carried.

Mr Saunders moved that the bill lie upon the table; which was carried. Yeas 60—Nays 22.

The yeas and nays were demanded. Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Crenshaw, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Hunter, Inge, Jemison, Jones, Kelly, King, Mangum, Mallard, McAlpin, McClanahan, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Morris, Murphy, Norris, Peguese, Provence, Pynes, Randolph, Roberts, Saunders, Shanks, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Womack, and Wynn.

Those who voted in the negative, are Messrs Ashurst, Barron, Bates, Bell, Bowen, Bradley, Broughton, Davenport, Davis of B. Doster, Flemming, Griffin of S. Hall, Hollinger, Langdon, Mann, McGill, McLemore, Moores, Perkins, Prince, and Reynolds.

A message was received from the Senate by Mr Hill.

Mr Speaker—The Senate has passed bills of the following titles which originated in the House of Representatives.

An act to compel the county treasurer of Jackson county, to make a full and explicit exhibit of the finances of said county, in each and every year, amended as therein shown:

An act to attach a part of Morgan county to the county of Marshall, amended as therein shown:

An act to amend a certain act therein named:

An act for the relief of Africa Roundtree:

An act for the relief of Thomas S. Bibb, of Lawrence county:

The Senate concurs in the amendments made by the House to the bill authorizing the erection of two township school houses, in the town of Livingston, in Sumter county, and has passed bills of the following titles:

An act for the relief of Thomas Casey and others: and

An act regulating the mode of collecting costs accruing in the supreme court:

Which bills were severally read the first time, and ordered to a second reading.

The bills to compel the county treasurer of Jackson county, to make a full and explicit exhibit of the finances of said county in each and every year: and

To attach a part of Morgan county to the county of Marshall as amended by the Senate, were severally read and the amendments concurred in. Ordered, that the clerk inform the Senate.

Mr Saunders from the committee on the judiciary, to which was referred the bill to change the time of holding the August term of the commissioners' court of Henry county, reported the same back and recommended its passage: the bill was read the second time and ordered to be engrossed for a third reading.

Mr Saunders from the committee on the judiciary, to which was referred a bill for the benefit of Matthew H. Roberts, reported that the committee believe the privilege designed to be conferred on said Roberts of participating in the school fund of a township, of which he is not an inhabitant, is contrary to the terms of the grant made by Congress, and that therefore it is inexpedient to pass said bill: the report was concurred in.

Mr Speaker laid before the House a communication from the President of the Bank of the State of Alabama, in answer to a resolution adopted by the House on the twenty-fifth instant; which was read and referred to the committee on the State Bank and Branches, and also, to the select committee appointed to superintend the printing of Bank documents.

Mr Speaker laid before the House the annual report of the State treasurer; which was read, laid upon the table, and one hundred and forty-five copies ordered to be printed.

Mr Wynn introduced a bill to amend an act to raise a fund to aid the valueless sixteenth sections in this State; which was read and ordered to a second reading.

Mr Griffin of M. introduced a bill to divorce Marshall county from Jackson county, and for other purposes; which was read and ordered to a second reading.

On motion of Mr Griffin of S.

Resolved, That the committee on the military, be instructed to inquire into the expediency of repealing that portion of the military code, that requires a person to be a commissioned officer before he is eligible to certain other offices in the militia.

Mr Blair introduced a bill for the payment of the grand and petit jurors of the county of Dale; which was read and ordered to a second reading.

Mr Saunders introduced a bill amendatory of the law on the subject of divorce; which was read and ordered to a second reading.

On motion of Mr Peguese,

Resolved, That with the concurrence of the Senate the two Houses will assemble in the Representative Hall on Monday next at twelve o'clock, for the purpose of electing a judge of the county court of Wilcox county; ordered that the same be sent to the Senate for its concurrence.

Mr Clemens moved to take from the table and refer to the committee on the Judiciary, a bill to repeal an act to prevent the practice of carrying weapons secretly; which was carried.

Mr Randolph introduced a bill to revive an act passed, December 20, 1840, to incorporate the town of Elyton in the county of Jefferson: which was read and ordered to a second reading.

Mr Pynes introduced a bill to alter the mode of assessing and collecting the taxes for Henry and Dale counties; which was read and ordered to a second reading.

Mr Crenshaw introduced a bill to regulate the practice in the courts of chancery in this state; which was read and ordered to a second reading.

Mr McMillion of J., offered the following resolution.

Resolved, That the committee on the State Bank be instructed to inquire into the expediency of passing a law authorizing the State Bank and Branches to employ a suitable agent or agents to collect or secure the debts due said

Banks, from debtors who are now in Texas, with leave to report by bill or otherwise.

Mr Morris moved to amend by inserting after the word 'Texas' the words, 'or elsewhere;' which was carried, and the resolution as amended adopted.

Ordered that Mr Blair be added to the select committee, consisting of the delegation from Barbour and Henry counties, to which was referred a bill to establish certain a county therein named.

Mr Walker of L. introduced a bill in relation to the protest of notes, and the remedy of securities to notes payable to the State Bank or Branches; which was read and ordered to a second reading.

Mr Griffin of M., on leave presented the account of John Starnes; which was read and referred to the committee on accounts.

The House proceeded to consider the orders of the day.

The engrossed bill to be entitled an act to repeal in part an act entitled an act to attach a part of Benton county to Talladega county and for other purposes approved, December 23, 1836, was read the third time.

Mr Jemison moved that it be referred to the committee on county boundaries with instructions to inquire and report, whether the county of Cherokee has the territory required by the constitution; which was carried.

The engrossed bill to be entitled act to authorize Henry Hunter, of Dallas county to erect a gate or gates upon that part of the public road which runs through his land opposite the town of Lexington in said county and for other purposes, was read the third time.

Mr Norris moved to amend by way of engrossed ryder; which was carried and the bill passed, ordered that it be entitled as above and sent to the Senate for its concurrence.

Engrossed bills to be entitled an act for the relief of the citizens of Deer Head Cove in the county of De Kalb.

An act for the relief of Benjamin C. Landsdale of the county of Henry.

And an act permanently to locate the seat of justice of Marshall county and for other purposes.

Were severally read the third time and passed: ordered to be entitled as above and sent to the Senate for its concurrence,

The bill requiring the clerk of the county court of Randolph county to issue license to retailors of spirits in vacation of said court; was read the second time and referred to the committee on propositions and grievances.

The preamble and joint resolution proposing an amendment to the constitution in relation to the election of judges of the inferior courts was read the second time.

Mr Walker of L. moved that the further consideration thereof be postponed until the third Monday in December next; which was carried.

The House adjourned until Monday at ten o'clock.

MONDAY, November 30, 1840.

The House met pursuant to adjournment.

Mr McLemore who voted with the majority, moved a reconsideration of the vote taken on Saturday last on the reference of the communication from the president of the State Bank.

Mr Morris presented the report of the commissioners appointed to superintend the building of a state prison and penitentiary, which was read and on motion of Mr Morris laid upon the table and one hundred and thirty-five copies ordered to be printed.

Mr Dixon presented the petition of citizens of Pike county, praying to be added to Monroe county; which was read and referred to the committee on county boundaries.

Mr Mangum presented the petition of a large number of the citizens of Russell county praying the passage of a law to locate permanently the seat of justice of said county; which was read.

Mr Mangum on leave introduced a bill to establish the permanent seat of justice for the county of Russell, which was read and ordered to a second reading.

Accounts were presented by Messrs Inge and Mallard; which were severally read and referred to the committee on accounts.

Mr Speaker laid before the House a communication from the comptroller of public accounts, in answer to a resolution adopted on the 27th instant; which was read and ordered to lie upon the table.

On motion of Mr Davis of A.,

Resolved, that the committee on propositions and grievances be instructed to inquiring in to the expediency of either amending or explaining the law in relation to sheriff's fees, so far as relates to the per centum allowed them on making money on *fi. fa.* with leave to report by bill or otherwise.

Mr Young, from the committee of ten, appointed to act with five members of the Senate as a joint committee on all matters relative to the chancery system, reported, that according to the import of the joint resolution originating the committee, they had taken under consideration so much of the Governor's message as relates the chancery courts, several resolutions referred from the judiciary instructing that committee to inquire into the propriety of abolishing separate courts of chancery, with a petition and memorial on the same subject, and reported a bill to be entitled an act to amend an act entitled an act to organize and establish separate courts of chancery, approved January 26, 1839; which was read the first time.

Mr Young moved that the bill lie upon the table and that one hundred and thirty five copies be printed; which was carried.

Mr Moore of Mad., from the committee on the State Bank and Branches to which was referred a bill from the Senate together with the amendment proposed to said bill, to be entitled an act in relation to the recommendation of paper for purchase or discount to the Bank of the State and its several Branches, reported that it would be inexpedient to pass said bill.

Mr Walker of B. moved that the bill lie upon the table; which was lost.

The question recurred on concurring in the report of the committee and carried.

Mr Moore of Madison, from the joint committee of both Houses, to investigate the mysterious abstraction of a leaf from the check book of the Bank of the State of Alabama, made the following report:

The joint committee appointed by the two Houses, to which was referred the following resolution, viz:

The committee on the State Bank, to which was referred the communication of the President of the State Bank, accompanied by the report of the committee appointed by the President and Directors of said Bank, in relation to a mysterious abstraction of a leaf from the check book, have had the same under consideration, and inasmuch as the whole affair appears to be shrouded in mystery, and the act involving great moral turpitude, have instructed me to report, and recommend the adoption of the following resolution:

Resolved by the Senate, That a committee be appointed to act jointly with such committee as may be appointed on the part of the House of Representatives, to investigate said transaction in as speedy a manner as possible, and report the result of their investigation to their respective Houses; and that the committee have leave to send for persons and papers, and qualify witnesses, accordingly, have had the same under consideration, and beg leave to report. that they have carefully investigated the whole transaction, as will more fully appear by reference to the journal of their proceedings, herewith submitted; which they beg be taken and considered a part of their report. Your committee, after a minute and laborious examination of the subject, have come to the conclusion, that the abstraction of the leaf from the check book, was made by some person unknown to the officers of the Bank, as they have all, without an exception, testified to that effect. As the matter now stands, your committee cannot see any injury that the Bank has sustained, or any benefit which any individual could derive from said abstraction; because its place has been supplied by a reference to the posted entries in the journal and ledger, which contained the contents of the abstracted leaf from the check book. The late cashier admits that he had made entries on the 8th of June, 1839, which were in error, and that the entries on the abstracted leaf was made to correct the entries thus made. If the abstracted leaf from the check book could not have been supplied, and the correcting entries had not been posted, then the abstraction would have operated against the late cashier, and placed him debtor to the Bank in the sum of nineteen thousand nine hundred and ninety-nine dollars and fifty-five cents; whereas, if the contents of the abstracted leaf be correct, and had been retained, it would show the Bank indebted to the cashier, in the sum of two hundred and seventy eight dollars and ninety-six cents. This fact would seem to your committee to be sufficient reason to exonerate the late cashier, from the commission of an act, which would operate so disastrously to his pecuniary interest, to say nothing of its effects upon his moral character.

It will be seen by a reference to the report of the committee appointed by the President and Directors, to examine the books of the bank, that the numerous errors in the entries in the books of the Bank require correction, which they say cannot be made without opening a new set of books. Your committee fully concur in the propriety of vesting in the President and Directors full power to employ a sufficient number of clerks to correct, or to open and post up such books, as they may deem necessary for the correction of all errors.

Your committee cannot close this report without doing an act of justice to the officers of the bank, as well as the ex-officers, who, by their promptness, afforded your committee every facility to accomplish the object of their investigation.

Your committee respectfully recommend the adoption of the following resolution:

Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the President and Directors of the State Bank be hereby authorized to employ such number of clerks as they may deem necessary to correct the errors in the books of said bank, if they shall deem it necessary and proper for the interest of the institution.

NATH'L. TERRY, *Chair.* } Senate. D. MOORE, *Chair.* } House.
J. L. TOULMIN, } J. MITCHELL, }

The journal of the committee of the two Houses of the General Assembly to which was referred the following preamble and resolution, to wit:

The committee upon the State Bank, to whom was referred the communication from the President of the State Bank, accompanied by the report of the committee appointed by the President and Directors of said bank in relation to a mysterious abstraction of a leaf from the check book, have had the same under consideration, and inasmuch as the whole affair appears to be shrouded in mystery, and the act involving great moral turpitude, the committee have instructed me to report, and recommend the adoption of the following resolution:

Resolved, by the Senate, That a committee be appointed to act jointly with such committee as may be appointed on the part of the House of Representatives, to investigate said transaction in as speedy a manner as possible, and report the result of the investigation to their respective Houses, and that the committee have leave to send for persons and papers, and qualify witnesses. Concurred in by the House, and Messrs Moore of Madison, Mitchell and Williams were appointed a committee on the part of the House of Representatives, who met at the banking house in the town of Tuscaloosa, on Wednesday, November eighteenth, one thousand eight hundred and forty, at three o'clock, P. M. Present, Hon. Nathaniel Terry and J. L. Toulmin of the Senate; David Moore and J. Mitchell, of the House of Representatives, and proceeded to qualify the following witnesses, to wit:

First witness—Doctor Marrast, President of the Bank, who deposeth and saith—

Question 1st. Were you one of the commissioners that examined the Bank in the fall of 1839.

Answer. I was.

Ques. 2d. If so, state all that you know in regard to the abstraction of the leaves from the check and vault books.

Ans. I have no doubt that the abstracted sheet was taken out after the examination referred to. The vault book is not connected with the regular books of the bank, but serves as a memorandum for the cashier's own use, and I do not think was particularly examined by the commissioners. As to the abstraction of the leaf from the check book, the first knowledge I had of it, was about the fifteenth of June last; which was reported to me by chashier. On the discount day following, say the seventeenth of the same month, I submitted the subject to the Board for their action. This is all I know on those two points. I do not know when it was abstracted, nor by whom it was done.

Ques. 3d. Would any person have been profited by the abstraction of said leaves. If they would, state them.

Ans. It seems, that if the supposed errors are corrected by those entries, there is a balance of two hundred and seventy-eight dollars and ninety-six cents in favor of the cashier; but the entries without those corrections leave a balance against him of nineteen thousand nine hundred and ninety-nine dollars and fifty-five cents, &c.

Second witness—E. F. Comegys, former cashier of the State Bank, who being duly sworn, deposeth and saith—

Ques. 1st. Were these entries to correct errors, which by entries improperly made on the eighth of June previously?

Ans. They were so made by myself while cashier of the bank.

Ques. 2d. Did you have in your possession the account current of the bank with Mr Cook, to which the entries alluded?

Ans. I did; but do not know where it is now.

Ques. 3d. By whom were you put in possession of said account current?

Ans. By the Board of Directors.

Ques. 4th. Was it necessary to have said account current before you, in order to have made said entries?

Ans. It was necessary on the eighth of June, and I had said account before me, when they were made on that day, and also, when they were corrected on the eighth of July, I had a copy of said account current.

Ques. 5th. Could any one have been benefited by the abstraction of said leaves, provided they could not have been supplied?

Ans. I think not.

Ques. 6th. Has there been a final settlement with the bank agent, Mr Cook, and do the books of the bank show said settlement?

Ans. There has been a final settlement, which was made by the account current above alluded to, from which the above entries were made on the books on the eighth of June.

Ques. 7th. At what time did you first miss the orignal account current and ascertain that it was gone?

Ans. About the eighth of July, eighteen hundred and thirty-nine.

Ques. 8th. What became of the copy?

Ans. I returned it to Major Cook's store.

Ques. 9th. To whom did you deliver it?

Ans. To Mr Boyd.

Ques. 10th. Do you know any thing in regard to the abstraction of the leaf from the check book, or by whom it was done, or at what time?

Ans. I do not know any thing in regard to the above, or last interrogatory.

Ques. 11th. Was any error discovered in the account current above alluded to?

Ans. I did not discover any: And further the deponent saith not.

Third witness—Benjamin Wrigglesworth being duly sworn, deposeth and saith—

Ques. 1st. Were you not one of the commissioners that examined the Bank in 1839?

Ans. I was.

Ques. 2d. State whether the abstraction of said leaf from the check book was before or after said examination, and all you do know in regard to it.

Ans. I know nothing of the abstraction of the leaf referred to, nor do I know particularly of its identity, having been appointed and sworn in as commissioner after the critical examination of the books of the Bank had taken place, and further this deponent saith not.

Fourth witness—Major Cook, who being duly sworn, deposeth and saith—

Ques. 1st. Do you know who has possession of the account current, above alluded to, by Mr Comegys, of the bank with yourself?

Ans. I delivered the original account current, together with the vouchers from which it was made out, to the Directors, who examined it and handed it over to the Cashier, in order that he might make the proper entries, since which I know nothing about it. It was admitted to be correct by the Board, which was confirmed by the Cashier in his remarks to me afterwards. The copy of the original, which Mr Comegys borrowed of Mr Boyd during my absence, was a fac simile of the original account current, and that copy I have not seen ince, and do not know what has become of it.

Ques. 2d. Do you know any thing about the abstraction of the said leaf from the check book?

Ans. I do not, and further this deponent saith not.

Fifth witness—Jones M. Withers, who being duly sworn, deposeth and saith—

Ques. 1st. Could any one have been benefited by the abstraction of the leaf in the check book, and the loss of the account current? If so, state who, and in what manner?

Ans. Whether any one was benefited by the abstraction of the leaf from the check book and the account current, depends, in my opinion, upon the correctness of the original entries. They purport to have been predicated on the account current, that being lost as also the copy, the entries cannot be tested; if they are correct, there is a small balance in favor of the late Cashier; if they are incorrect, we have nothing but the evidence of design to direct us, that leads us to the entries themselves, and to those who are interested in them. This answer is made upon the supposition that there is a connection between the entries on the abstracted page, and those predicated on the account current, as stated by the late Cashier.

Ordered, that the committee do now adjourn until to morrow, three o'clock P. M.

The committee of the two Houses met according to adjournment, at three o'clock, November 19th, 1840. Present, Messrs Terry, Buford and Toulmin of the Senate; Messrs Moore and Mitchell, of the House of Representatives.

Mr Jones M. Withers being still under examination, further deposeth and saith—

Ques. 2d. Have the Directors since the month of June, 1839, had access to the papers of the bank without the intervention of the officers of the bank?

Ans. If a Director knew where a paper was kept, he could have access to it without the intervention of an officer. It is against the rules of the Roard, however, and I know of no instance in which such access has been had without such intervention. This answer must be confined to this year. I was not a member of the Board, and therefore cannot speak of the custom during the last year; and further this deponent saith not.

Mr James Hogan being duly sworn, deposeth and saith—

Ques, 1st. Were you a Director during the year 1839?

Ans. I was.

Ques. 2d. Had the Directors in the year 1839, access to the papers of the bank without the intervention of the bank officers?

Ans. I think they had not, without the intervention of one of the officers of the bank.

Ques. 3d. If a Director knew where a paper in the bank was, could he have obtained it without the intervention of an officer of the bank?

Ans. I think not.

Ques. 4th. Could any body have been benefited by the abstraction of the leaf and the account current?

Ans. In regard to the account current it was examined by the Board in the settlement with *Mr* Cook and considered correct; and in regard to the loss of the leaf and the account current, I cannot see that any injury could accrue to the bank or benefit to any individual.

Ques. 5th. Do you know any thing about the abstraction of the leaf from the check book?

Ans. I do not, and never knew it was gone until reported by the present Cashier.

Ques. 6th. Is there any way to test the correctness of the original entries, now that the account current, on which they were said to be predicated, is lost?

Ans. I think there is no way without the account current.

Cross-examined by Mr Comegys.

Do you not think the entries on the 8th of June, 1839, are in error made from the account current of Major Cook, and that they can be shown to be so by the entries themselves on the books?

Ans. I am certain there were errors in the entries on the books of the 8th of June, 1839; but do not know what individual account was affected, as there were entries in regard to the cotton account with the Branch Bank at Mobile, and the Bank of Louisiana; and further the deponent saith not.

D. M. Boyd, after being duly sworn, deposeth and saith:

Ques. 1st. Was the account current, which contained the settlement of Major Cook, agent of the bank, with the bank, ever in your podsession?

Ans. It was.

Ques. 2d. What did you do with it; state all you know in regard to it, anc what occurred in regard to it?

Ans. Sometime after the settlement between Major Cook and the bank, Mr Comegys called in Mr Cook's absence, and asked me for his copy of the account current, as his was mislaid. I took it from Mr Cook's desk and gave it to him, and have not seen it since.

Ques. 3d. Was the account current a voluminous document?

Ans. I never examined the items, but recollect it only occupied a portion of the sheet, which was common letter paper; and further the deponent saith not.

William Hawn, Cashier of the Bank of the State of Alabama, being duly sworn, deposeth and saith—

Ques. 1st. Do you know any thing in regard to the abstraction of the leaf from the check book?

Ans. I do not.

Ques. 2d. Have you examined tho entries on the books alluded to in the report of the committee on the 8th of June, 1839; and if so, did you not find those entries to be in error?

Ans. I did, and believe the errors to be correctly reported by the committee of the Board af Directors.

On motion, the committee adjourned until Friday, the 20th instant, three o'clock, P. M.

The joint committee of the two Houses met pursuant to adjournment, at the banking-house, on Friday, the 20th inst. at three o'clock, P. M. Present, Messrs Toulmin and Buford, on the part of the Senate, and Messrs Moore and Mitchell on the part of the House of Representatives, and proceeded to business by calling Mr Moore of the House, to the Chair.

Mr William Hawn, Cashier of the Bank of the State of Alabama, being still under examination, further deposeth and saith:

Ques. 3d. Is there any connection between the entries made on the 8th of June, 1839, and the 8th of July, 1839, and the account current said to have been lost or mislaid.

Ans. The entries on the 8th of June, so far as the business of that date exhibits any connection or settlement with Major Cook, was of course made from the account current which is said to be lost. The books now do not show any connection between the entries made on the 8th of July, and those of the 8th of June or the account current.

Ques. 4th. Could the bank, or any other individual, have been benefited or injured by the abstraction of the leaf from the check book, and the loss of the account current?

Ans. It is difficult to determine in the absence of the account current, whether any one could have been benefited by its abstraction, together with the leaf from the check book. From the entries themselves, it does not appear that any one was.

Ques. 5th. By Mr Comegys—Do you not believe the errors in the entries on the 8th of June, 1839, were errors of head and not of the heart, and that the correction made on the 8th of July after, in amount were necessary, and that the bank sustained no loss by them?

Ans. I have investigated with care the entries of the 8th of June, and am satisfied that the then cashier made erroneous entries on that day, operating against himself to the extent of the errors reported by the committee of the Board of Directors, which it was necessary to correct by counter entries, and that he made the entries on the 8th of July afterwards for the purpose of such corrections. I have not been able to discover that the bank sustained any loss by these entries, and do not believe it did. The errors were no doubt made by not correctly entering the items from the account current.

Mr Joel Riggs, being duly sworn, deposeth and saith—

Ques. 1st. Do you know any thing about the abstraction of the leaf from the check book, or the loss of the account current, as settled with Mr Cook, above alluded to?

Ans. I do not know any thing of either.

Mr Thomas J. Burke, being duly sworn, deposeth and saith—

Ques. 1st. Were you an officer of the bank during the year 1839.

Ans. I was.

Ques. 2d. Do you know any thing about the abstraction of the leaf from the check book, or the loss of the account current, above alluded to?

Ans. I do not know any thing about the abstraction of the leaf from the check book, or the loss of the account current above alluded to.

Ques. 3d. Have you examined the entries on the books alluded to, in the erport of the committee appointed by the Board of Directors; if so, state whether they were in error?

Ans. I have examined the entries made on the check and deposit books on the 8th of June, 1839, alluded to in the report of the committee: from that examination, I have arrived at the conclusion, that Mr Comegys, the then cashier, made entries on that day, which operated as errors against himself, to the amount of nineteen thousand nine hundred and ninety-nine dollars and fifty-five cents.

Ques. 4th. Were you one of the sub-committee appointed by the Board to investigate this matter?

Ans. I was.

Cross-examined by Mr Comegys—

Ques. 5th. Do you not believe the errors committed in the entries on the 8th of June, 1839, were errors of the head and not of the heart, and that those corrections made on the 8th of July afterwards, in amount, were necessary, and that the bank sustained no loss by them?

Ans. The errors made on the 8th of June, 1839, necessarily required correction, and although I do not think that the correcting entries made on the 8th of July, were charged to the proper accounts, still I feel convinced they were proper in amount, and that the bank lost nothing by their being so made.

Doctor P. Redmond, being duly sworn, deposeth and saith—

Ques. 1st. Do you know any thing of the abstraction of the leaf from the check book, or the loss of the account current above alluded to?

Ans. I do not, and further this deponent saith not.

William M. Montgomery, being duly sworn, deposeth and saith—

Ques. 1st. Do you know any thing of the abstraction of the leaf from the check book, or the loss of the account current above alluded to?

Ans. I do not, and further deponent saith not.

On motion, adjourned to half past two o'clock, to-morrow.

The committee of the two Houses met pursuant to adjournment. Present, Messrs Terry, Buford, and Toulmin of the Senate; Messrs Moore and Mitchell of the House of Representatives, and proceeded to business.

James M. Williams, who being duly sworn, deposeth and saith—

Ques. 1st. Were you an officer of this bank during the year 1839?

Ans. I have been an assistant clerk, from the 28th of March, 1839, up to the present time.

Ques. 2d. Do you know any thing in regard to the abstraction of the leaf from the check book, or the loss of the account current of the settlement of the bank with Major Cook?

Ans. I do not.

Ques. 3. What persons have held offices in this bank, since the 28th of March, 1839?

Ans. In 1839—E. F. Comegys, Wm. L. Antony, T. J. Burke, F. O. Ball, George B. Saunders, J. M. Williams.

In 1840—Wm. Hawn, Joel Riggs, T. J. Burke, P. Redmond, Wm. M. Montgomery, J. M. Williams. And further this deponent saith not.

Joel White being duly sworn, deposeth and saith—

Ques. 1st. Do you know any thing in regard to the abstraction of the leaf from the check book, or the loss of the account current above alluded to?

Ans. I do not.

Ques. 2d. Could any person have been benefited by the abstraction of the leaf from the check book, and the loss of the account current; if so, how and in what manner?

Ans. If the correcting entries, made on the 8th of July, are correct, I am under the impression that no one could have been benefited by the abstraction of the leaf from the check book of that date, nor could the bank have sustained any loss; but if the correcting entries, made on that day, are not correct, then the bank might have sustained a loss, and some one might have been benefited by the abstraction of the leaf; and I do not know of any way of testing the correctness of the original or correcting entries in the absence of the account current of M. Cook.

On motion, the committee adjourned to meet again on Monday next, at three o'clock, P. M.

The committee of the two Houses met pursuant to adjournment at the Banking House, on Monday, the 23d inst. at three o'clock, P. M. Present, Messrs Buford and Toulmin on the part of the Senate; Messrs Moore and Mitchell, on the part of the House of Representatives, and proceeded to business by appointing Mr Moore chairman.

William L. Antony, being duly sworn, deposeth and saith—

Ques. 1st. Were you an officer of the bank on the 8th of June, 1839, and how long afterwards?

Ans. I was Teller in the bank on the 8th of June, 1839, and continued until about the 18th of February, 1840.

Ques. 2d. Do you know any thing of the abstraction of the leaf from the check book, or the loss of the account current above alluded to?

Ans. I do not.

Ques. 3d. Could any one have been benefited by the abstraction of the leaf from the check book and the loss of the account current; if so, state who and in what manner?

Ans. I think that all entries made by the cashier, will affect him as well as the bank. I do not think those entries made on the 8th of July, could be very fully tested, without comparing them with the account current, in connection with the entries made by the cashier, on the 8th of June.

Ques. 4th. In transferring entries from the check book to the general ledger, is it the practice to retain the exact phraseology of the original entries, or are the entries on the ledgers made in more general and indefinite terms, and could the entries on the ledgers be explained in the absence of the original entries on the check book?

Ans. It has been customary, I believe, to post only the amounts and dates. I cannot say that all entries could be explained without the aid of the original entry book, or the vouchers upon which those entries were made, and further this deponent saith not.

George B. Saunders, being duly sworn, deposeth and saith—

Ques. 1st. Were you an officer of the Bank on the 8th of June, 1839, and how long after?

Ans. I was, and continued so until the 18th of February, 1840.

Ques. 2d. Do you know any thing about the abstraction of the leaf from the check book, and the loss of the account current above alluded to?

Ans. I do not, and further this deponent ssith not.

On motion, the committee adjourned to meet again on to-morrow, at half-past nine o'clock, A. M.

The committee of the two Houses met at the banking house, on Tuesday morning, the 24th inst. at half-past nine o'clock, A. M. according to adjournment. Present, Messrs Terry and Toulmin on the part of the Senate, and Messrs Moore of Madison and Mitchell on the part of the House of Representatives, and proceeded to business.

F. O. Ball being first duly sworn, deposeth and saith—

Ques. 1st. Were you an officer in the bank of the State of Alabama, on the 8th of June, 1839, and how long after?

Ans. I was, and continued so, until about the 18th of February, 1840.

Ques. 2d. Do you know any thing about the abstraction of the leaf from the check book, and the loss of the account current above alluded to?

Ans. I do not, and further this deponent saith not.

Mr Baker from the committee on education, to which was referred a resolution instructing them to inquire into the expediency of repealing so much of the fifth section of an act entitled, an act to raise a school fund to aid valueless sixteenth sections in this State, as makes it obligatory on the part of the citizens of each township to subscribe, in good faith, one third of the amount provided in said act, reported that it was inexpedient to legislate on the subject. The report was concurred in.

Mr Baker from the same committee, to which was referred a resolution instructing them to inquire into the expediency of providing by law for the procuring of competent teachers in the several townships of this State, reported that it is unnecessary to legislate on the subject, as the present law requires that they shall be examined by the commissioners of each township. The report was concurred in.

Mr Walker of B. from the committee on the military, to which was referred the account of James N. Haden, for cleaning, repairing, and mending the public arms collected by the agent of the State, reported a bill to compensate James N. Haden; which was read and ordered to a second reading.

Mr Spruill, on leave, offered the following resolution:

Resolved, That the cashier of the State Bank be instructed to furnish this House with a statement of the amount of the three per cent. fund, together with the interest thereon, and also, what appropriations have been made and for what purpose.

Mr Baker from the committee on the judiciary, to which was referred a petition from J. W. Crane and others, of township nine, range five, west, representing that said township is divided by the State line, and that he is deprived of the advantages of the school fund, raised for the aid of poor sixteenth sections, and asking the passage of a special law for their benefit, reported that it is unnecessary to legislate upon the subject, as law approved February 3d, 1840, in section eleven, makes ample provision for fractional townships, giving them the same rights and privileges of other citizens. The report was concurred in.

Mr Rice offered joint resolutions proposing an amendment to the constitution of the State of Alabama; which were read and ordered to a second reading.

Message from the Senate by Mr Hill:

Mr Speaker—The Senate has passed a bill from the House to be entitled, an act to divorce Sarah Welsh from her husband Dennis R. Welsh.

The Senate has concurred in the resolution from the House of Representatives, to go into an election this day at twelve o'clock, of a judge of the county court of the county of Wilcox.

Mr McAlpin made the following report:

The committee appointed to examine the offices of Comptroller of Public Accounts and State Treasurer, have performed that duty, and have instructed me to report:

That they commenced their investigation with the date of the 27th November, 1839, to which period the said offices had been examined by a committee appointed for that purpose by the legislature, as appears by a report made on the 19th day of December, 1839.

The committee having compared every voucher with the entries on the books in the Comptroller's office, and the vouchers in the Treasurer's office, with the corresponding entries in his books (together with the various acts of appropriation, from the above date to the close of the fiscal year of 1840, an examination running through some five or six hundred entries, in all of which not the least difference or mistake appeared.

The committee also examined the additions and extensions of the books, and compared them with the general reports by the Comptroller and Treasurer, and found them all to correspond: to these reports, the committee refer for the condition of the several funds and the balance in the Treasury.

The books in both offices, are kept in a clear neat style, and in a plain simple manner, and all the papers and vouchers carefully and correctly filed.

In closing this report the committee feel it due to the officers to say that every facility wsa afforded by them to aid and assist in carrying on this examination and that the officers have discharged their duties faithfully and correctly, according to law.

[Signed] S. McALPIN, Chairman,
on the part of the House.

Mr Mann from the select committee, to which a petition on the subject was referred, reported a bill to amend an act entitled an act to authorize Seth Lore, and William Wellborn to erect a wharf on the Chattahootchee river, in the town of Irwinton: which was read and ordered to a second reading.

Mr Saunders moved that the committee on the State Bank and Branches be instructed to report back without their action, the memorial of Benjamin Sherrod and others, referred a few days since; which was carried.

Mr Morris from the select committee, to which was referred the Senate bill to prevent frauds in the sale of land and negroes by sheriffs and other officers, reported the same back with sundry amendments.

Mr Douglass moved that the bill and amendments be referred to the committee on the judiciary; which was carried.

Mr Griffin of S. from the committee on enrolled bills, reported as correctly enrolled, bills which originated in the Senate, of the following titles, to wit:

An act to incorporate the Torrent Fire Engine Company, number Five, of the city of Mobile.

An act to appoint a committee of finance in the county of Pike and for other purposes.

An act to change the time of making settlement between the tax collector and commissioners court of Jackson county.

An act for the support of paupers in the county of Benton: also

A joint memorial of the General Assembly of the State of Alabama, to the Congress of the United States in relation to a land district in the Cherokee nation.

Mr Langdon from the select committee, to which was referred a bill to incorporate the Poplar Grove Company, of the city of Mobile, reported the same back without amendment and recommended its passage.

Mr Langdon moved that the bill be referred to the committee on the judiciary; which was carried.

On motion of Mr Walker of L.

Resolved, That the committee on the State Bank and Branches, be instructed to inquire into the propriety of passing an act compelling the said State Bank and Branches, to bring suits hereafter, for the collection of debts in the counties where the respective debtors reside.

Mr Adams introduced a bill to form a company beat in the county of Marshall and for other purposes; which was read and ordered to a second reading.

On motion of Mr Williams,

Resolved, That the committee on the judiciary, be requested to inquire into the important duties to be discharged by the judges of the county courts of this State, and report to this House, if in their opinion the responsibility of said judges, is sufficiently guarded by the existing laws, as it regards non or mal performance of duties incumbent on them, taking securities from the different officers acting under the laws of this State, in their respective counties, and have leave to report accordingly.

On motion of Mr Douglass,

Resolved, That the committee on military affairs, be instructed to inquire into the expediency of so amending the military code, as to compel captains to hold company courts martial, at each company muster, with leave to report by bill or otherwise.

Ordered, that leave of absence be granted to Mr Garrett for a few days.

Mr Stone introduced a bill for the benefit of plaintiff by garnishment; which was read and ordered to a second reading.

On motion of Mr Smith of J.

Resolved, That the committee on the State Bank and Branches, inquire into the propriety of the Huntsville and Decatur Banks, loaning out money in less sums than one hundred dollars.

Mr Blair introduced a bill to declare the west fork of the Choctawhatchee river a public highway; which was read and ordered to a second reading.

On motion of Mr Spruill,

Resolved, That the Senate be invited into the Hall of the House of Representatives for the purpose of electing a judge of the county court of the county of Wilcox.

The Senate then repaired to the Hall of the House of Representatives and were seated.

The two Houses proceeded to the election of a judge of the county court of Wilcox county—WILLIAM F. GEE, alone in nomination, and having received one hundred and fourteen votes, that being the whole number given, Mr. Speaker declared him duly elected judge of the county court of Wilcox county, for the ensuing term of six years.

The Senate withdrew and the House proceeded to consider the orders of the day.

The engrossed bill to change the time of holding the August term of the commissioners court of roads and revenue in the county of Henry, was read the third time and passed. Ordered, that it be entitled as above, and sent to the Senate for its concurrence.

Bills to be entitled as follows:

An act to regulate taxation for the county of Henry:

An act making appropriations for the payment of certain claims against the State:

An act to amend an act to incorporate the Fireman's Insurance Company of Mobile:

An act to amend an act to incorporate the town of Columbiana in the county of Shelby, approved 5th December, 1837:

An act to limit the sessions of the circuit court to three weeks in the county of Talladega:

An act to divorce Wm G. Haun from his wife Catharine Haun:

An act to raise a fund for the payment of jurors for the county of Pike:

An act to authorize and compel the tax collector for the county of Covington to receive in payment of taxes for said county jury tickets for services rendered in the circuit and county courts and for other purposes:

An act to authorize the election of an assessor and tax collector for the county of Cherokee;

An act to alter the mode of assessing and collecting the taxes for Henry and Dale counties:

And an act to revive an act passed, December 20, 1820, to incorporate the town of Elyton in the county of Jefferson:

Were severally read the second time and ordered to be engrossed for a third reading.

The bill to attach a part of Wilcox county to the county of Butler, and for other purposes was read the second time.

Mr Bowen moved to amend by striking out the second section; which was carried and the bill as amended ordered to be engrossed for a third reading.

Bills to be entitled as follows:—

An act in relation to practising physicians:

An act to provide for the payment of petit jurors in the county of Washington:

An act to regulate the commissions of sheriffs on forthcoming bonds:

An act to regulate the practice in the courts of chancery in this State:

An act to authorize justices of the peace to give longer stay on judgments obtained before them:

And an act amendatory of the law on the subject of divorce:

Were severally read the second time and referred to the committee on the Judiciary.

Bills to be entitled as follows:

An act to amend an act entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its several Branches, and legalizing the suspension of specie payments, and for other purposes, approved June 30th, 1837.

An act in relation to bonds given by the officers of the Bank of the State of Alabama and its Branches:

An act in relation to protest of notes and the remedy of securities to notes, payable to the State Bank and Branches:

Were severally read the second time and referred to the committee on the State Bank and Branches.

The bill to change the mode of assessing and collecting taxes in the county of Jackson, was read the second time and on motion of Mr Smith of J., referred to a select committee consisting of the delegation from Jackson county.

The bill to be entitled an act to change the time of holding certain chancery courts therein named:

An act to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county:

An act to repeal two acts therein named, so far as they apply to the counties of Marion De Kalb and Tallapoosa:

And an act to prevent frauds in certain cases:

Were severally read the second time and ordered to lie upon the table.

The bill to amend a certain act therein named was read the second time and referred to the committee on State printing.

The bill to be entitled an act relating to the Tuscaloosa manufacturing company, was read the second time and referred to the committee on the military.

The bill for the relief of James Bennet and others of the county of Russell, was read the second time and referred to the committee on education.

The bill to be entitled an act to amend an act entitled an act to establish a board of commissioners for the improvement of the Black Warrior river and for other purposes, approved February 1, 1839, was read the second time and on motion of Mr Mallard referred to a select committee consisting of the delegation from the counties of Walker, Jefferson, Blount and Tuscaloosa.

The bill to alter and amend an act for the benefit of the settlers on the public lands in the limits of the State of Alabama, approved, February 3, 1840, were read the second time and on motion of Mr Hale referred to a select committee consisting of the delegation from the counties of Marshall, De Kalb and Cherokee.

The bill for the improvement of the Black Warrior river, from its junction with the Tombeckbee to the city of Tuscaloosa, was read the second time and on motion of Mr Mitchell referred to a select committee consisting of the delegation from the counties of Tuscaloosa, Walker, Blount and Jefferson.

The bill to amend an act to raise a fund to aid the valuless sixteenth sections in this State, was read the second time and referred to the committee on education.

Mr Spruill, who voted with the majority, moved a reconsideration of the vote taken this day on concurring in the report of the committee on education and the bill to repeal a certain act therein named, which was carried and the bill and report laid upon the table.

The bill to divorce Marshall county from the county of Jackson and for other purposes, was read the second time.

Mr Williams moved that it be referred to the committee on county boundaries, with instructions to change the title of the bill, and to report upon the acts proposed to be repealed, which was carried.

The bill for the payment of the grand and petit jurors of the county of Dale, was read the second time.

Mr Womack moved that it be referred to a select committee, which was carried. Whereupon Messrs Womack, Blair and Pynes were appointed said committee.

The bill from the Senate regulating the mode of collecting costs accruing in the supreme court, was read the second time and referred to the committee on the judiciary.

The bill from the Senate for the relief of Thomas Casey and others, was read a second time. Mr Norris moved to amend the bill, by inserting the name of 'Thomas P. Harvie' after the name of 'Earl;' which was carried and the bill as amended ordered to a third reading.

The House adjourned until to-morrow ten o'clock.

TUESDAY, December 1, 1840.

The House met pursuant to adjournment.

Ordered that leave of absence be granted to Mr Kelly for a few days.

Mr Mitchell presented the account of James T. Pearce; which was read and referred to the committee on accounts.

Mr Wynn from the committee on roads bridges and ferries to which was referred a resolution instructing them to inquire into the propriety of exempting ministers of the gospel from paying ferriage or toll on public bridges and ferries, reported that they have no right to make the exemption, and asked leave to be discharged from the further consideration of the subject. The report was concurred in and the committee discharged.

Mr Walker of B. from the military committee to which was referred a resolution instructing them to inquire into the expediency of repealing that portion of the Military Code that required a person to be a commissioned officer before he is eligible to certain other offices in the militia, reported that the law referred to was repealed by an act pssscd and approved, February 1, 1839 and asked leave to be discharged from the further consideration of the subject. The committee was discharged.

Mr McMillion of B. from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act excluding certain lands from the jurisdiction of the corporation of the town of Benton in the county of Lowndes:

An act entitled an act to repeal an act authorizing the sheriff of Blount county to serve process issued by justices of the peace.

Joint resolution in relation to the appropriation made by Congress to Hart & Bosworth and John Hart of Irwinton, Alabama.

Joint resolution requiring the Secretary of Stateto furnish the printer with copies of the acts so soon as approved by the Governor.

Mr Inge from the committee on propositions and grievances to which was referred the petition of Catharine Owen, of Russell county, reported unfavorably upon the petition and asked to be discharged from the further consideration of the same.

Mr McLemore moved that the report lie on the table, which was carried.

Mr Inge from the committee on propositions and grievances, to which was referred the petion of sundry citizens of Benton county praying the repeal of an act passed at the last session of the General Assembly, entitled 'an act for the relief William Cunningham of Benton county;' and also the counter petition of sundry citizens of the same county reported that they had examined the same carefully and that it is inexpedient to repeal the said act, in which the House concurred.

Mr Inge from the committee to which was referred the petition of A. J. Cotton and J. D. Shelly, reported that it is inexpedient to legislate upon the subject.

Mr Rice moved that the report and petition lie upon the table; which was carried.

Mr Inge, from the same committee, to which was referred a resolution instructing them to inquire into the expediency of changing the law in relation to mills and millers, reported a bill to amend the law in relation to public millers; which was read the first time and ordered to a second reading.

Mr Bradley, from the committee on county boundaries, to which was referred a bill to divorce Marshall county from Jackson county, with instructions to alter the caption and examine the acts of 1836 and 1839, reported the bill back to the House with the caption amended as follows: "A bill to be entitled an act to repeal two acts therein named, so far as they relate to the revenue of Marshall county, and for other purposes;" which amendment was concurred in, and the bill ordered to be engrossed for a third reading.

Mr Morris, from the committee on divorce and alimony, to which was referred the record and proceedings of the chancery court, held at Haynesville, in the county of Lowndes, reported a bill to divorce Almond Sanderson from his wife Susan Sanderson; which was read the first time and ordered to a second reading.

Mr Saunders, from the committee on the judiciary, to which was referred a petition of sundry citizens of Talladega county, praying the passage of an act giving to defendants the privilege of redeeming lands sold under execution, &c., reported that it is inexpedient to legislate on the subject; in which the House concurred.

Mr Houston, from the select committee, to which was referred the petition of many of the citizens of Washington county, reported a bill to amend an act for locating the seat of justice of Washington county, and for other purposes; which was read and ordered to a second reading.

Mr Saunders, from the committee on the judiciary, to which was referred a resolution directing them to inquire into the expediency of excluding non-residents from any right to dower in lands within the State, reported it would be unconstitutional to pass such a bill. The report was concurred in.

Mr Hill, from the committee on accounts and claims, to which was referred a bill making appropriations for certain persons therein named, reported it back without amendment, and recommended its passage. Mr McLemore moved that the further consideration of the bill be postponed indefinitely; which was lost. Yeas 42, nays 43.

The yeas and nays were demanded: those who voted in the affirmative, are Messrs Ashurst, Bates, Blair, Bradley, Crenshaw, Davenport, Davis of A. Douglass, Fowler, Hill, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Mangum, Mallard, McAlpin, McClanahan, McLemore, McMillion of J. Mitchell, Moores, Murphy, Perkins, Peterson, Prince, Rice, Seawell, Shanks, Simmons, Smith of J. Smith of L. Spruill, Walker of B. Wann, Winston of S. Womack, Wynn and Young.

Those who voted in the negative, are Messrs Adams, Adrian, Alexander, Baker, Barron, Bell, Blackshear, Blount, Bowen, Broughton, Clemens, Cobb, Davis of B. Davis of L. Dixon, Doster, Fitzpatrick, Flemming, Griffin of M. Griffin of S. Hale, Hall, Houston, Hughs, Jones, King, Mann, McCullough, McGill, McMillion of B. Moore of Mad. Norris, Provence, Pynes, Randolph, Reynolds, Roberts, Saunders, Stone, Strode, Walker of L. Williams, Wilson and Winston of DeK.

Mr Bates moved that the further consideration of the bill be postponed until Saturday next; which was carried.

A message was received from the Senate by Mr Hill:

Mr Speaker—The Senate has adopted the following resolution:

Resolved by the Senate, with the consent of the House of Representatives, that the two Houses will assemble in the Hall of the House, on Thursday next, 3rd December, at 12 o'clock, noon, for the purpose of electing a judge of the county court of Greene county, a judge of the county court of Shelby county, a judge of the county court of Monroe county: also, a judge of the tenth judicial circuit. In which the concurrence of the House of Representatives is requested.

Mr Hall moved to amend the resolution by adding a 'judge of the county court of Baldwin county:' which was carried.

Mr Griffin of S. moved to amend by striking out 'a judge of the county court of Shelby county;' which was carried.

Mr Bates moved to amend by striking out, 'a judge of the tenth judicial circuit;' which was carried.

The resolution as amended was adopted. Ordered, that the clerk inform the Senate, and ask its concurrence.

The hour of twelve o'clock having arrived, Mr Clemens moved to suspend the orders of the day; which was carried.

Mr Rice, who voted with the majority, moved a reconsideration of the vote taken this morning on concurring with the report of the committee on propositions and grievances, on the petition and counter petition from Benton county, in relation to an act passed at the last session, for the relief of William Cunningham of Benton county.

The House proceeded to consider the motion made by Mr McLemore to reconsider the vote taken on refering the communication made by the President of the Bank of the State of Alabama to the committee on the State Bank and branches, and the question having been taken on said motion, it was decided in the negative.

Mr Bates introduced a bill to be entitled an act for the further prevention of crimes; which was read and ordered to a second reading.

Mr Bradley introduced a bill to incorporate a volunteer troop of cavalry in Perry county, to be called, "The Cane Brake Blues;' which was read and ordered to a second reading.

Mr Fitzpatrick introduced a bill to incorporate the Tipton male and female academy; which was read and ordered to a second reading.

Mr Murphy introduced a bill to incorporate the town of Eutaw in Greene county; which was read and ordered to a second reading.

Mr Seawell offered joint resolutions proposing an amendment to the constitution of the State, in the election of judges of the inferior courts; which was read and ordered to a second reading.

On motion of Mr Bradley,

Resolved, That the committee on inland navigation be requested to inquire into the expediency of withdrawing five thousand dollars of the money appropriated for the improvement of the Coosa river, and place it under the management and control of commissioners appointed by an act of the General Assembly for the improvement of the navigation of the Cahawba river, and report to this House by bill or otherwise.

Mr Wann introduced a bill to provide for the payment of tickets of grand and petit jurors in the county of Jackson; which was read and ordered to a second reading.

Mr Williams introduced a bill to authorize two or more school districts in different townships to form a common school, and for other purposes; which was read and ordered to a second reading.

Mr Davenport introduced a bill to change the time of holding the county court of Marengo county; which was read and ordered to a second reading

Mr Mitchell, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to locate the seat of justice of Marion county, and for other purposes:

An act to divorce Catherine Butts from her husband, George W. Butts: and,

An act authorizing the erection of two township school houses in the town of Livingston, in Sumter county.

Mr Saunders, from the committee on the judiciary, to which was referred a resolution directing them to inquire into the expediency of granting a longer stay on executions, reported that they did, on a former day, report adversely on a similar proposition, which report was concurred in by the House, and that it is inexpedient to legislate on the subject. The report was concurred in.

Mr Saunders, from the same committee, to which was referred a bill from the Senate, to alter and amend the laws respecting dower, reported that it is inexpedient to pass said bill. Mr Morris moved that the further consideration of the bill be postponed indefinitely; which was lost. Yeas 27—Nays 57.

Those who voted in the affirmative, are Messrs Alexander, Bates, Crenshaw, Davenport, Davis of A. Doster, Douglass, Hollinger, Hughs, Hunter, Hutchinson, Inge, Kidd, Langdon, McAlpin, McGill, McLemore; Moore of Madison, Moores, Morris, Murphy, Prince, Seawell, Smith of L. Strode, Wynn and Young.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Ashurst, Baker, Barron, Bell, Blackshear, Blair, Blount, Bowen, Bradley, Broughton, Cobb, Davis of B. Davis of L. Dixon, Fitzpatrick, Flemming, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hill, Jemison, Jones, King, Mangum, Mallard, Mann, McClanahan, McCullough, McMillion of B. McMillion of J. Mitchell, Norris, Peguese, Provence, Pynes, Randolph, Rice, Roberts, Saunders, Shanks, Simmons, Smith of J. Spruill, Stone, Walker of B. Walkerof L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Womack.

Mr Hutchinson moved to amend the second section of the bill, by striking out 'three months,' and inserting 'three years.'

Mr Fitzpatrick moved to refer the bill and amendments to a select committee; which was carried. Whereupon, Messrs Fitzpatrick, Stone and Rice were appointed said committee.

Ordered, that leave of absence be granted to Mr Flemming for a few days.

Ordered, that Mr Jones be added to the committee on education and inland navigation, and that Mr Winston of D. be added to the committee on county boundaries.

Ordered, that Mr Simmons be added to the select committee, consisting of the delegation of Barbour, Henry and Dale counties, to which was referred a bill to establish a certain county therein named.

Mr Crenshaw, from the committee on the judiciary, to which was referred a bill to be entitled an act to hold an election for a sheriff in the county of Covington, reported a substitute in lieu of the original bill Mr Crenshaw moved to amend the amendment by striking out of the preamble all between the words 'votes' and 'therefore;' which was carried. The amendment as amended was concurred in, and the bill as amended, ordered to be engrossed for a third reading.

Mr Spruill offered the following resolution:

Resolved, That the Cashier of the State Bank be excused from complying with the provisions of the resolution, adopted the 30th November, by this House, except so much of said resolution as relates to the amount of the three per cent fund.

Mr Mitchell moved that the resolution lie upon the table; which was carried.

Mr Hall offered the following resolution:

Resolved, That the House hold evening sessions, from and after this day.

Mr Langdon moved that the resolution lie upon the table; which was carried.

The House adjourned until ten o'clock to-morrow morning.

WEDNESDAY, December 2, 1840.

The House met pursuant to adjournment.

Mr Barron on leave of the House, offered the following amendment to the rules of the House:

Resolved, That the balance of this session, the Speaker of the House shall not be required to call over the counties in alphabetical order for petitions, but shall only be required to call for petitions generally.

Which lies over one day for consideration.

Mr Hall presented the account of C. W. Wilkins, sheriff of Baldwin county; which was read and referred to the committee on accounts.

Mr Shanks presented the petition and claim of William S. Taylor, for a horse pressed from him during the late Creek Indian hostilities; which was read and referred to the committee on propositions and grievances.

Mr Morris presented the petition of sundry citizens of Coosa county, praying for the establishment of an election precinct; which was read and referred to the committee on privileges and elections.

Mr McAlpin presented the petition of sundry citizens of Greene county, praying for a change in the road leading from Daniel's Prairie by Springfield, to Tuscaloosa; which was read.

Mr McAlpin moved that it be referred to the committee on roads, bridges and ferries, with instruction not to report thereon before Wednesday next; which was carried.

Mr Walker of L. presented the petition of Elizabeth Morris, praying for relief and the passage of a law therein named; which was read, and together with the accompaning papers, referred to the committee on the judiciary.

Mr Strode presented the account of J. D. Keys; which was read and referred to the committee on accounts.

Mr Speaker laid before the House a communication addressed to him in his official capacity, signed, 'A citizen of the Union,' suggesting a new mode of disseminating information of the proceedings of the National and State Legislature, &c; which was read.

Mr Hutchinson moved that it lie upon the table; which was carried.

Mr Walker of B. from the committee on the military, to which was referred a petition of the officers of the sixth and fourteenth brigades of the third division of the Alabama Militia, asking of the Legislature, to alter and amend the law so as to authorize the election of field officers by the commissioned officers, instead of the manner now prescribed by law, and for other purposes, reported that it is inexpedient to legislate on the subject, and asked to be discharged from its further consideration. The report was concurred in and the committee discharged.

Mr Blair, from the select committee, to which was referred a bill to be entitled 'an act to provide for the payment of the grand and petit jurors of the county of Dale,' reported a substitute for the original bill; which was adopted, and the bill as amended, ordered to be engrossed for a third reading.

Mr Winston of De K. from the committee on the judiciary, to which was referred a bill to repeal in part, an act therein named, reported the same back with an amendment to come in after 'repealed,' in which the House concurred, and the bill as amended, ordered to be engrossed for a third reading.

Mr Crenshaw, from the committee on the military, to which was referred a bill entitled an act to repeal that part of the militia law, which requires brigade encampment drills and for other purposes, with an amendment to the same, reported a bill in lieu of the original bill.

Mr Bates moved to amend the first section of the substitute proposed, by excepting the ninth brigade and fourth division from the operation of the bill.

Mr Sproill moved to postpone the further consideration of the bill until Monday next; which was lost.

The question recurred on the motion of Mr Bates to amend, and was carried.

Mr Bradley moved further to amend by excepting the fourteenth brigade and third division; which was carried.

Mr Winston of De K. moved to strike out the sixth section.

Mr Smith of L. moved that the bill be laid on the table; which was lost.

Mr Smith of L. moved to amend by inserting in lieu of the words 'sell for cash to the highest bidder,' the words 'collect and take charge of,' in the third line of the sixth section, and by striking out the balance of the section from the word 'State,' in the fifth line; which was adopted.

Mr Blount moved to amend by excepting the fifth brigade.

The hour of twelve o'clock having arrived, the House proceeded to the consideration of the following message from the Senate:

Mr Speaker: The Senate has adopted the following resolutions:

Resolved, That with the consent of the House of Representatives, the two Houses will assemble in the Hall of the House, on Saturday the fifth inst. at twelve o'clock noon, for the purpose of electing a Secretary of State, Comptroller of Public Accounts, and State Treasurer.

Resolved, That with the concurrence of the House of Representatives, the two Houses will adjourn on Saturday the 19th inst. *sine die*, in which the concurrence of the House is requested.

Mr Walker of B. called for a division of the question on the adoption of the resolutions, which was ordered. The first resolution being under consideration,

Mr Roberts, moved to strike out 'Saturday,' with a view to insert 'Wednesday,' which was lost, and the resolution concurred in.

The second resolution being under consideration, Mr McClanahan moved that it lie upon the table; which was carried. Yeas 45—nays 41.

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Baker, Blackshear, Blair, Blount, Clemens, Cobb, Davenport, Davis of A. Davis of L. Douglass, Fitzpatrick, Hale, Hill, Houston, Inge, Jones, King, Langdon, Mallard, McClanahan, McMillion of J. Mitchell, Moore of Mad. Perkins, Peterson, Prince, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Seawell, Shanks, Smith of J. Spruill, Strode Walker of B. Walker of L. Williams and Wynn.

Those who voted in the negative, are Messrs Ashurst, Barron, Bates. Bell, Bowen, Bradley, Broughton, Crenshaw, Davis of B. Dixon, Doster, Fowler, Griffin of M. Griffin of S. Hall, Hollinger, Hughs, Hunter, Hutchinson, Kidd, Mangum, Mann, McAlpin, McCullough, McGill, McMillion of B. Moores, Morris, Murphy, Norris, Norwood, Peguese, Simmons, Stone, Wann, Wilson, Winston of DeK. Winston of S. Womack and Young.

A message was received from the Governor, by Mr Bagby:

EXECUTIVE DEPARTMENT,
Tuscaloosa, Dec. 2d. 1840.

SIR—I have the honor to inform the House of Representatives, that a vacancy has occurred in the board of the trustees of the University of Alabama, occasioned by the resignation of the Hon. Thompson M. Rector of the 5th judicial circuit. (Signed) A. P. BAGBY.

Hon. SAMUEL WALKER, Speaker of the House of Representatives.

Mr Bates moved to suspend the orders of the day; which was lost.

The bill from the Senate for the relief of Thomas Casey and others, was read the third time and passed. The yeas and nays were demanded. Yeas 55—Nays 25.

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blair, Blount, Bowen, Bradley, Broughton, Clemens, Davenport, Davis of B. Doster, Fitzpatrick, Griffin of M. Griffin of S. Hale, Hall, Hollinger, Houston, Hunter, Inge, Jones, Kidd, Langdon, Mangum, Mann McAlpin, McGill, McMillion of B. McMillion of J. Moores, Norris, Norwood, Perkins, Prince, Pynes, Randolph, Reynolds, Roberts, Smith of L. Stone, Strode, Walker of B. Wann, Wilson, Winston of DeK. Winston of S. Womack, Wynn and Young.

Those who voted in the negative, are Messrs Baker, Cobb, Crenshaw, Davis of A. Davis of L. Dixon, Douglass, Fowler, Hill, Hughs, Hutchinson, Mallard, McClanahan, McCullough, Mitchell, Moore of Mad. Morris, Peguese, Provence, Rice, Shanks, Smith of J. Spruill, Walker of L. and Williams.

Ordered, that the clerk acquaint the Senate therewith, and ask its concurrence in the amendment.

Engrossed bills of the following titles:

An act to limit the sessions of the circuit court to three weeks in the county of Talladega:

An act to amend an act to incorporate the town of Claiborn, in the county of Shelby, approved 5th December, 1837:

An act to divorce Wm. G. Haun from his wife Catharine Haun:

An act to authorize the election of an assessor and tax collector for the county of Cherokee:

An act to amend an act to incorporate the Fireman's Insurance Company of Mobile:

An act to alter the mode of assessing and collecting taxes for Henry and Dale counties:

An act to raise a fund for the payment of jurors for the county of Pike:

An act to authorize and compel the tax collector for the county of Covington to receive in payment of taxes for said county, jury tickets for services rendered in the circuit and county courts and for other purposes:

An act making appropriations for the payment of certain claims against the State: and

An act to regulate taxation in the county of Henry:

Were severally read the third time and passed. Ordered, that they be entitled as above and sent to the Senate for its concurrence.

Mr Clemens moved that the House adjourn until to-morrow ten o'clock; which was lost. The yeas and nays were demanded. Yeas 26—Nays 51.

Those who voted in the affirmative, are Messrs Speaker, Ashurst, Baker, Blair, Clemens, Davis of L. Fitzpatrick, Houston, Hutchinson, Inge, Jones, Langdon, Mallard, Mann, McAlpin, Moore of mad. Moores, Perkins, Prince, Provence, Shanks, Stone, Strode, Williams, Wynn and Young.

Those who voted in the negative, are Messrs Adams, Adrian, Alexander, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Cobb, Crenshaw, Davis of A. Davis of B. Dixon, Doster, Douglass, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Hughs, Hunter, King, Mangum, McClanahan, McCullough, McGill, McMillion of J. Morris, Murphy, Norris, Norwood, Peguese, Peterson, Pynes, Randolph, Rice, Roberts, Seawell, Smith of J. Smith of L. Spruill, Wann, Wilson, Winston of DeK. Winston of S. and Womack.

The engrossed bill to provide for the election of sheriffs in certain cases, was read the third time:

Mr Morris moved to recommit the bill to the committee on the judiciary; which was carried.

The engrossed bill to be entitled, an act to attach a part of the county of

Wilcox to the county of Butler and for other purposes, was read the third time and passed. Ordered, that the title of the bill be amended by striking out the words 'and other purposes,' and that it be sent to the Senate for its concurrence.

The engrossed bill to be entitled, an act to revive an act passed December the twentieth, 1820, to incorporate the town of Elyton, in the county of Jefferson, was read the third time, and on motion of Mr McMillion of J. laid on the table.

The engrossed bill to be entitled, an act to repeal two acts therein named, so far as they relate to the revenue of Marshall county and for other purposes, was read the third time.

Mr Williams moved that it be committed to the committee on the judiciary, with instructions; which was lost. The bill passed. The yeas and nays were demanded. Yeas 67—Nays 7.

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Baker, Barron, Bates, Bell, Blackshear, Blair, Blount, Bowen, Bradley, Broughton, Cobb, Crenshaw, Davenport, Davis of A. Davis of B. Davis of L. Doster, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hall, Hill, Hollinger, Houston, Hughs, Hunter, Hutchinson, Jemison, Jones, King, Langdon, Mangum, Mallard, McAlpin, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Pynes, Randolph, Seawell, Simmons, Spruill, Stone, Strode, Wilson, Winston of DeK. Womack and Wynn.

Those who voted in the negative, are Messrs Dixon, Mann, Provence, Smith of J. Wann, Williams, and Winston of S.

Ordered, that it be entitled as above, and sent to the Senate for its concurrence.

The bill to be entitled, an act to declare the west prong of Choctawhatchee river a public highway, was read the second time, and ordered to be engrossed for a third reading.

Mr Stone who voted with the majority, moved a reconsideration of the vote taken this day on agreeing to the resolution of the Senate, to elect certain officers on Saturday next: which was lost.

Mr Moore of Mad. moved that the House adjourn until to-morrow ten o'clock; which was carried. The yeas and nays were demanded. Yeas 44—Nays 32.

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Baker, Bell, Blair, Broughton, Davenport, Davis of A. Davis of L. Doster, Douglass, Fitzpatrick, Griffin of M. Griffin of S. Hale, Hill, Hunter, King, Langdon, Mallard, Mann, McAlpin, McClanahan, McCullough, McGill, Mitchell, Moore of Mad. Moores, Morris, Murphy, Norris, Peguese, Perkins, Provence, Pynes, Seawell, Smith of J. Smith of L. Strode, Wann, Williams, and Womack.

Those who voted in the negative. are Messrs Barron, Bates, Blackshear, Blount, Bowen, Bradley, Cobb, Crenshaw, Davis of B. Dixon, Fowler, Hall, Hollinger, Houston, Hughs, Hutchinson, Mangum, McMillion of B. McMillion of J. Norwood, Peterson, Prince, Randolph, Rice, Roberts, Simmons, Spruill, Stone, Wilson, Winston of DeK. Winston of S. and Wynn.

THURSDAY, December 3d, 1840.

The House met pursuant to adjournment

Mr Barron called up the amendment proposed by him on yesterday, to the rules of the House. The amendment was concurred in.

Mr Wynn presented the petition of sundry citizens of Limestone county, praying for the incorporation of an academy in Limestone county; which was read and referred to the committee on education.

Mr Williams presented the following protest, which was ordered to be placed upon the journal of the House:

The undersigned, E. W. Williams, for himself and in behalf of the balance of the delegation of Jackson county, having voted in the negative on the passage of a bill to be entitled, 'an act to repeal two acts therein named so far as they relate to the revenue of Marshall and for other purposes,' do hereby respectfully present this, our solemn protest against the passage of the said bill.

Believing, from the acts on the subject, of 1836 and 1838, which this is intended to repeal, that Jackson county possessed certain vested rights thereby, that no act of this legislature could constitutionally violate; we respectfully, after presenting the purport of said acts by reading and commenting on the same to the consideration of this House, were uncerimoneously, by a determination of the majority on the floor, prevented from having a reference to the judiciary committee; which reference we only asked as a matter of courtesy, that the bill might be strictly scrutinized, and the rights of the two counties impartially adjusted.

We do most respectfully reiterate this, our opinion, that the House did act prematurely on the passage of the said bill, thereby settling important constitutional rights, prejudicially to the interest of our said Jackson county. All of which is respectfully submitted.

Given under our hands this third day of December, 1840.

[Signed]

E. W. WILLIAMS,
JAMES SMITH,
JOSHUA WANN.

Mr Crenshaw presented the petition of sundry citizens of Butler county, praying the establishment of an election precinct therein named; which was read and referred to the committee on privileges and elections.

Mr Langdon presented the petition of the Firemen of Mobile, praying an exemption by law, from military and jury duty; which was read and laid upon the table.

Mr Langdon, on leave, introduced a bill in accordance with the prayer of the petitioners entitled, an act to exempt the Firemen of the city of Mobile, from the performance of military duty; which was read, and ordered to a second reading.

Mr Clemens presented the petition of Thomas Lowry and Jacob H. Pierce praying for relief, as therein shown; which was read, and referred to the committee on the judiciary.

Mr Moores presented the account of A. P. Morrow; which was read, and referred to the committee on accounts.

Mr Blount presented the account of Wm. Braly, sheriff of Tuscaloosa county; which was read and referred to the committee on accounts.

Mr Rice presented sundry documents from the Branch Bank of the State, at Decatur, exhibiting the individual indebtedness to said Branch Bank; which was read, and on motion of Mr Rice referred to the joint examining committee on the State Bank and Branches.

Mr Speaker laid before the House, a communication from the President of the Branch Bank of the State of Alabama, at Decatur, accompanied by

A statement of the condition of the Bank, on the tenth day of November, 1840:

A statement of its immediate liabilities and available funds to meet them; as well as,

A statement of its prospective liabilities and resources.

A statement of the indebtedness of each and every individual dealing with the bank and his securities, or indorsers, arranged in alphabetical order.

A statement of the indebtedness of the members of the General Assembly.

A statement of the indebtedness and liabilities of the President, Directors, and other officers of the Bank.

A statement of the sinking fund from the commencement of the Bank to the tenth of November: and

A detailed statement of expense account from the first of November, 1839, to the tenth of November, 1840, inclusive.

Which were read and together with the accompanying documents, referred to a select committee appointed to superintend the printing of Bank documents.

Ordered, that Mr Langdon be added to the committee on the judiciary, Messrs Hale and Hughs, to the committee on county boundaries, and Mr Griffin of S. to the committee on education.

Mr Morris presented the petition of sundry citizens of the sixth ward of the city of Wetumpka, praying for a repeal of the law incorporating said city; which was read and referred to the committee on propositions and grievances.

The House resumed the consideration of the report of the committee on the military, on the bill to be entitled, an act to repeal that part of the militia law which requires brigade encampment drills and for other purposes.

The question being on the motion of Mr Blount to except the fifth brigade, from the operations of the amendment proposed, was decided in the affirmative.

Mr Crenshaw moved to amend the second section of the substitute proposed by striking out the words 'and non commissioned;' which was lost.

Mr Ashurst moved to amend the amendment by way of proviso, as follows: '*Provided further*, That the provisions of this act shall not extend to the fifteenth brigade and sixth division of the Alabama militia.'

Which was carried.

Mr Young moved to amend the substitute proposed by striking out the words 'in addition to' in, and all thereafter of the fourth section; which was carried.

Mr Young moved further to amend the substitute proposed by adding at the end of the fourth section, a proviso as follows:

'*Provided*, That no other penalty or disqualification for office shall be imposed except that embraced by the preceding section, and all laws conflicting with this provision be and the same are hereby repealed.'

Which was carried.

Mr Griffin of M. moved to amend the amendment proposed, by an additional section as follows:

'*And be it further enacted*, That the brigadier general of the eighteenth brigade shall sell all the camp equipage of said brigade and divide the proceeds equally among the different regiments composing said brigade.'

Which was lost.

Mr Davis of B. moved to amend by an additional section, as follows:

'That the twentieth brigade and second division of Alabama militia, be exempted from the provision of this act.'

Which was carried.

Mr Jones moved to amend by way of proviso, as follows:

'*Provided further*, That the proviso of this act shall not extend to the second brigade of the fourth division.'

Mr Williams moved the previous question.

Mr Davis of A. moved to postpone the further consideration of the bill and substitute proposed, until Saturday next; which was lost.

Mr Crenshaw moved to refer the bill and amendments to a select committee; which was lost.

The question recurred on the motion of Mr Williams, for the previous question, and was decided in the affirmative. The yeas and nays were demanded. Yeas 55—Nays 36.

Those who voted in the affirmative, are Messrs Adams, Adrian, Baker, Barron, Blackshear, Bowen, Broughton, Cobb, Crenshaw, Davenport, Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hill, Hughs, Hunter, Kidd, King, Mangum, Mallard, Mann, Marchbanks, McClanahan, McCoy, McCullough, McLemore, McMillion of B. McMillion of J. Morris, Norris, Norwood, Peguese, Peterson, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Seawell, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of L. Wann, Williams, Wilson, and Womack.

Those who voted in the negative, are Messrs Speaker, Alexander, Ashurst, Bates, Bell, Blair, Blount, Bradley, Clemens, Davis of A. Davis of B. Doster, Griffin of S. Hall, Hutchinson, Inge, Jemison, Jones, Langdon, McAlpin, McGill, Mitchell, Moore of Mad. Moore of Marion, Moores, Murphy, Perkins, Prince, Saunders, Shanks, Walker of B. Winston of DeK. Winston of S. Wynn, and Young.

The main question, 'shall the bill be engrossed for a third reading?' was decided in the affirmative.

Message from the Senate by Mr Hill:

Mr Speaker—The Senate has concurred in the amendment made by the House to the resolution proposing that the two Houses will assemble in the Hall of the House this day, at twelve o'clock, noon, for the purpose of electing a judge of the county court of Greene county; a judge of the county court of Shelby county; a judge of the county court of Monroe county; a judge of the tenth judicial circuit.

The Senate disagrees to the amendment of the House of Representatives proposing to elect a judge of the county court of Baldwin county; in which the concurrence of the House is requested.

The House receded from its amendment as disagreed to by the Senate. Ordered, that the clerk inform the Senate.

Mr Blount from the committee on the State Capitol, reported that they had examined the same and find the roof to be in a very bad condition, &c., and reported a bill for the recovering of the State Capitol and for other purposes; which was read a first time, and ordered to a second reading.

Mr Bates introduced a bill for the relief of Charles A. Hoppin, of Mobile; which was read the first time, and ordered to a second reading.

Mr Walker of B. from the committee on the military, to which was referred a resolution instructing them to inquire into the expediency of so amending the law in relation to company court martials to be holden on the next regular muster of each company, reported a bill to amend the law in relation to company musters; which was read and ordered to a second reading

Mr Smith of L. introduced a bill giving to the president and directors of the Florence bridge company power to ordain and establish rules and regulations for the security of said bridge; which was read and ordered to a second reading.

Mr Spruill from the select committee, to which was referred a petition of the commissioners of sixteenth section, of township twenty-four, range two, east, reported that it is inexpedient to legislate on the subject. The report was concurred in, and the petition on motion of Mr Spruill, referred to the committee on education.

Mr Morris moved to place among the orders of the day a preamble and resolution heretofore submitted by him, the further consideration of which was postponed until the first of December; which was carried.

On motion of Mr Douglass,

Resolved, That the committee on military affairs be instructed to inquire into the expediency of having a sufficient number of volumes of Scott's Discipline printed, to furnish the officers of the militia of this State each with a copy of the same.

Mr McMillion of J. introduced a bill to incorporate the town of Elyton, in the county of Jefferson, and for other purposes; which was read and ordered to a second reading.

Mr Moore of Marion moved to take from the table the bills to repeal two acts therein named, so far as they apply to the county of Marion, De Kalb and Tallapoosa, and to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county, and that they be placed among the orders of the day; which was carried.

Mr Fitzpatrick from the select committee, to which was referred a Senate bill, to alter and amend the law respecting dower, reported the same back without amendment, and recommended its passage.

Mr Hutchinson moved to amend the second section of the bill by striking out 'three months,' and insert 'twelve months;' which was carried: and the bill as amended ordered to a third reading.

Mr Langdon introduced a bill for the relief of the Congregational Church of Mobile, which was read, and the constitutional rule having been dispensed with, it was read a second time, and referred to the committee on the judiciary.

Mr Winston of S. introduced a bill to elect an additional justice of the peace in the county of Sumter, which was read, and ordered to a second reading.

Mr Baker introduced a bill for the relief of La Grange College; which was read, and ordered to a second reading.

Mr Hill introduced a bill for the relief of Elijah Dodson; which was read, and ordered to a second reading.

On motion of Mr Wynn,

Resolved, That the Senate be now invited into the hall of the House for the purpose of going into the election of a judge of the county court of Greene county, and a judge of the county court of Monroe county.

The Senate then assembled in the hall, were seated, and Mr President, announced the object of the convention of the two Houses.

The two houses then proceeded to the election of a judge of the county court of Greene county—Messrs SAMUEL W. INGE, SYDENHAM MOORE, and WM. F. PIERCE, being in nomination.

Those who voted for Mr INGE, are Messrs Alston, Andress, Dent, King, Lea, McConnell, Oliver, Phillips, Rice, Thornton, and Womack, of the Senate; Messrs Alexander, Ashurst, Barron, Bates, Bell, Blount, Bradley, Broughton, Davenport, Davis of B. Doster, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Mangum, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Smith of L. Spruill, Stone, Walker of B. and Womack, of the House of Representatives. —54.

Those who voted for Mr MOORE, are Messrs President, Clarke, Creagh, Dailey, Farrar, Hall, Jones, Lloyd, McVay, Reese, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs Speaker, Adams, Adrian, Baker, Blackshear, Blair, Clemens, Cobb, Crenshaw, Davis of L., Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hill, Hughs, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Provence, Pynes, Randolph, Rice, Roberts, Saunders, Smith of J. Strode, Wann, Williams and Wynn, of the House of Representatives.—53.

Those who voted for Mr PIERCE, are Messrs Hudson, McAllister, Rodgers and Ross, of the Senate; Messrs Bowen, Davis of A., Dixon, McAlpin, Morris, Reynolds, Walker of L. Wilson, Winston of DeK. Winston of S. and Young, of the House of Representatives—15.

Neither having received a majority of the votes given, the two houses proceeded to vote a second time.

Those who voted for Mr INGE, are Messrs Alston, Andress, Dent, King, Lea, McConnell, McVay, Oliver, Phillips, Rice, Ross, Thornton and Womack, of the Senate; Messrs. Alexander, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Doster, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Smith of L. Spruill, Stone, Walker of B. Womack and Young, of the House of Representatives.

Those who voted for Mr. MOORE, are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, Reese, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs. Speaker, Adams, Adrian, Baker, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hill, Hughs, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Strode, Wann, Williams, Wilson, Winston of DeK. and Wynn, of the House of Representatives.

Messrs Walker of L. and Winston of S. voted for Mr PIERCE.

Neither having received a majority of the whole number of votes given, the two houses proceeded to vote a third time. The name of Mr PIERCE having been withdrawn,

Those who voted for Mr INGE, are Messrs Alston, Andress, Dent, King, Lea, McConnell, McVay, Oliver, Phillips, Rice, Ross, Thornton, and Womack, of the Senate; Messrs. Alexander, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davis of B. Doster, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Smith of L. Spruill, Stone, Walker of B. Womack and Young, of the House of Representatives—60.

Those who voted for Mr MOORE, are Messrs President, Clarke, Creagh. Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, Reese, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F., and Wilson of J. of the Senate; Messrs Speaker, Adams, Adrian, Baker, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hill, Hughs, King, Mallard, Marchbanks, McClanahan, McCullough; McMillion of B. McMillion of J. Moore of madison, Moore of marion, Morris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Strode, Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—62.

Mr MOORE having received a majority of the whole number of votes given. Mr Speaker declared him duly and constitutionally elected judge of the county court of Greene county.

The two houses next proceeded to the election of a judge of the county court of Monroe county—ASA PARKER alone in nomination, and having received one hundred and fifteen votes, that being the whole number given, Mr Speaker declared him duly and constitutionally elected judge of the county court of Monroe county.

The Senate then withdrew, and the House adjourned until to-morrow morning, ten o'clock.

FRIDAY, December 4, 1840.

Mr Baker introduced a petition from sundry lawyers on the subject of the chancery court system, which was read and referred to a select committee, consisting of the delegations from the counties of Lawrence, Limestone, Lauderdale, and Franklin.

Ordered, that leave of absence be granted to Mr Mallard for a few days.

Mr Murphy from the judiciary committee, to which was referred a bill regulating the mode of collecting costs accruing in the supreme court, reported the same back to the House without amendment, and recommended its passage. The bill was read the second time and ordered to a third reading.

Mr Murphy from the same committee, to which was referred a bill to authorize justices of the peace to give longer stay on judgment obtained before them, &c. reported the same back as inexpedient; in which the House concurred.

Mr Murphy from the same committee, to which was referred a bill to provide for the payment of petit jurors in Washington county, reported the same as inexpedient.

Mr Reynolds moved to lay the bill and report on the table; which was carried.

Mr Murphy from the same committee, to which was referred a resolution to inquire into the important duties to be discharged by the judges of the county courts of this State, reported that it is unnecessary to legislate on the subject; in which the House concurred.

Ordered, that leave of absence be granted to Mr McAlpin for a few days.

Mr Baker from the committee on education, to which was referred a bill for the relief of James Bennett and others, of the county of Russell, reported that it is unnecessary to legislate upon the subject, as the law of last session, is fully ample on the subject contained in said bill.

Mr Baker moved that the report and bill lay on the table; which was carried.

Mr Fitzpatrick from the committee on the judiciary, to which was referred the petition of sundry citizens of the town of Franklin in Macon county, asking to have their charter of incorporation amended, reported a bill to be entitled an act to amend an act entitled an act to incorporate the town of Franklin in Macon county, approved Dec. 23, 1837; which was read the first time and orderdered to a second reading.

Mr Crenshaw from the committee on the judiciary, to which was referred a bill to regulate the practice in the courts of chancery in this State, reported the same back to the House without amendment and recommended its passage.

The bill was on motion of Mr Saunders, postponed till Tuesday next, made the special order for that day, and one hundred and thirty-five copies ordered to be printed.

Mr Rice from the committee on the judiciary, to which was referred the engrossed bill to prevent frauds in the sale of land and negroes by sheriffs and other officers, with three proposed amendments, reported the same back to the House, and recommended its passage.

Mr Cobb moved that the bill be indefinitely postponed; which was carried. Yeas 65—Nays 17.

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Barron, Bell, Blackshear, Blair, Bradley, Broughton, Clemens, Cobb, Crenshaw, Davenport, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Griffin of S. Hale, Hall, Hill, Hughs, Hunter, Kidd, King, Little, Mangum, Mann, Marchbanks, McClanahan, McCoy, McCullough, McMillion of B. McMillion of J. Moore of Madison, Moore of Marion, Moores, Morris, Murphy, Norris, Norwood, Peterson, Provence, Randolph, Reynolds, Roberts, Seawell, Shanks, Simmons, Smith of J. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Wynn and Young.

Those who voted in the negative, are Messrs Ashurst, Baker, Bates, Blount, Bowen, Hollinger, Inge, Jemison, Jones, Langdon, McGill, McLemore, Mitchell, Perkins, Smith of L. Winston of S. and Womack.

Mr Griffin of S. from the committee on enrolled bills, reported as correctly enrolled, a bill which originated in the Senate, entitled

An act for the relief of Thomas Casey and others.

Mr Hill from the committee on accounts, to which was referred the account of C. W. Wilkins, reported it as not properly authenticated, and asked to be discharged from the further consideration of the subject.

The report was concurred in, and the committee discharged. Ordered, that Mr Hall have leave to withdraw the account.

Mr McGill from the select committee, to which was referred a bill to improve that portion of the Bigby river above its junction with the Black Warrior, reported the bill back to the House, and recommended its passage.

On motion of Mr Spruill, the bill was amended by an additional section.

Mr Moore of Mad. moved that the bill be referred to the committee on inland navigation; which was carried.

Mr Crenshaw from the select committee, to which was referred an engrossed bill from the Senate, entitled 'an act to change the time of holding the circuit courts of the second judicial circuit,' reported the same back amended, and as amended, recommended its passage.

Mr Davis of A. moved that the bill be re-committed to the committee, and that the delegation from Montgomery be added to the same: which was carried.

Mr Young from the joint chancery committee, to which was referred a bill to amend the several acts in relation to the proceedings in chancery, and the bill to regulate the practice of the chancery courts, reported the same back to the House, and asked to be discharged from the further consideration of all matters referred to them. The committee was discharged.

On motion of Mr Young, the bill was placed among the orders of the day.

Mr Young moved to take from the table the bill to be entitled an act to amend an act entitled an act to organize and establish separate courts of chancery, and that said bill be placed among the orders of the day; which was carried.

Mr Inge offered the following resolution:

Resolved, by the House of Representatives of the State of Alabama, That the cashier of the Bank of this State be required to furnish this House with a statement of moneys that have been paid, the notes given, the names of the purchasers at the sale of the sixteenth section, township eighteen, range two west, in the county of Sumter.

Which was adopted.

Mr Strode offered the following resolution:

Resolved, That the use of the Hall of the House of Representatives be tendered to the Rev. B. Manly, on Sunday the 13th inst., with a view of his pronouncing a funeral oration on the life, character and services of the Rev. H. S. Pratt, deceased, late Professor of English Literature in the University of Alabama.

Which was adopted.

Mr Bradley, from the committee on county boundaries, to which was referred a petition of sundry citizens of Pike county, requesting the Legislature to alter the boundary of said county, reported that it is inexpedient to grant the pray of the petitioners; in which the House concurred.

Mr Moores offered the following preamble and resolution:

Congress in the act of admission of Alabama into the Union, having provided and set apart a large fund for the purpose of making public roads, canals and improving the navigation of our rivers, and as the history of our legislation upon the subject of internal improvement, conclusively shows, that our attempts heretofore upon this subject, have been failures, resulting in the sqaundering of the public money, with little, if any, advantage to the commerce or of the property of the State: and further, as a close connexion between the different sections of our State, is particularly desirable, whether we look to the prosperity of our agricultural or commercial interest—moreover, as the northern and southern portions of our State, are separated by a range of mountains, which renders North and South Alabama, almost distinct and separate communities, for the purpose, therefore, of more closely uniting us together as citizens of the same State, and more intimately blending the now dissevered interest of our State,

Be it therefore Resolved, That the committee on inland navigation be instructed to inquire into the propriety and expediency of appropriating the whole of the three per cent fund to the completion of the Selma and Gunters' Landing rail road, or of other modes of appropriating said fund, so as more closely to identify the northern and southern parts of our State, and that said committee report by bill or otherwise.

On motion of Mr Griffin of S.

Resolved, That with the consent of the Senate, the two Houses will meet in the Representative Hall, on Saturday, the fifth instant, for the purpose of going into the election of a judge of the county court of Shelby county. Ordered, that the clerk inform the Senate and ask its concurrence.

On motion of Mr Strode,

Resolved, That with the consent of the Senate, the two Houses will assemole in the Hall of the House of Representatives, on Saturday, the fifth instant, at twelve o'clock, noon, for the purpose of going into an election for a Trustee of the University of Alabama, for the fifth judicisl circuit, to fill the vacancy occasioned by the resignation of the Hon. Thompson M. Rector.

Ordered, that the clerk inform the Senate, and ask its concurrence.

The House proceeded to consider the orders of the day; and took up the bill to be entitled an act for the further prevention of frauds, being a special order.

Mr Jemison moved that the further consideration of the bill be postponed until Wednesday next, and that it be made the special order for that day; which was carried.

Message from the Senate by Mr Hill:

Mr Speaker—The Senate has passed bills of the following titles:

An act to authorize the election of an assessor and tax collector for the county of Cherokee:

An act regulating punishments under the penitentiary system; in which the concurrence of the House of Representatives is requested.

The Senate concurred in the amendment made by the House of Representatives to the bill for the relief of Thomas Casey and others.

The bill from the Senate to authorize the election of an assessor and tax collector for the county of Cherokee, was read and ordered to a second reading.

The bill from the Senate regulating punishments under the penitentiary system, was read the first time.

Mr Barron moved to dispense with the constitutional rule, requiring bills and joint resolutions to be read on three several days; which was carried, and the bill read a second time.

Mr Moore of Madison moved that the bill be referred to a committee of the whole House, with instruction to consider the same on Monday next.

Mr Roberts moved that the further consideration of the bill be postponed indefinitely; which was lost. Yeas 18—Nays 65.

The question recurred on the motion of Mr Moore of Madison, to refer to the committee of the whole House, and was carried.

Mr Barron moved that the House adjourn until three o'clock this evening; which was lost.

Mr McLemore moved that the House adjourn until to-morrow ten o'clock; which was carried. Yeas 53—Nays 32.

Those who voted in the affirmative, are Messrs Speaker, Adams, Alexander, Baker, Bates, Bell, Blair, Blount, Broughton, Clemens, Davenport, Davis of A. Davis of B. Davis of L. Doster, Fitzpatrick, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hollinger, Hutchinson, Inge, Jemison, Kidd, King, Langdon, Little, Mann, McCoy, McCullough, McGill, McLemore, McMillion of J. Mitchell, Moores, Morris, Murphy, Peguese, Perkins, Provence, Reynolds, Roberts, Shanks, Smith of J. Strode, Walker of B. Walker of L. Williams, Winston of S. Wynn and Young.

Those who voted in the negative, are Messrs Adrian, Barron, Bowen, Bradley, Cobb, Crenshaw, Dixon, Douglass, Hill, Hughs, Hunter, Jones, Mangum, Marchbanks, McClanahan, McMillion of B. Moore of Madison, Moore of Marion, Norris, Norwood, Peterson, Randolph, Rice, Saunders, Seawell, Simmons, Smith of L. Stone, Wann, Wilson, Winston of DeK. and Womack.

SATURDAY, December 5, 1840.

The House met pursuant to adjournment.

A petition was presented by Mr Ashurst; which was read and referred to the committee on privileges and elections.

Ordered, that leave of absence be granted to Messrs Spruill and Davenport for a few days.

Mr Spruill introduced a bill to incorporate the Marion Female Association; which was read the first time and ordered to a second reading.

Mr Hill from the committee on accounts, reported a bill to provide for the payment of certain claims against the State; which was read the first time and ordered to a second reading.

Mr Hale, from the select committee, to which was referred a bill to be entitled an act to alter and amend an act for the benefit of the settlers on the public lands, reported the same back to the House, without amendment, and recommended its passage. The bill was read.

Mr Jemison moved that it be referred to the committee on the State Bank and branches; which was carried.

A message was received from the Senate by Mr Hill:

Mr Speaker—The Senate has passed a bill to incorporate the Central Seminary in the county of Autauga.

The Senate has also adopted the following resolution:

Resolved, That the House of Representatives be respectfully requested to cause to be transmitted to the Senate the minority report and accompanying documents made by Howell Rose, one of the commissioners appointed by the Governor to examine the Branch Bank at Montgomery.

In which the concurrence of the House is requested.

The bill from the Senate was read the first time, and ordered to a second reading.

Mr Rice moved that the message containing the resolution of the Senate, lie on the table.

A message was received from the Senate by Mr Hill, informing the House that the Senate had concurred in the resolution of the House of Representatives, proposing to go into the election of a judge for Shelby county, and a trustee for the fifth judicial circuit, this day at twelve o'clock, and had amended the same by striking out 'a judge for Shelby county.'

Mr Strode moved that the House concur in the amendment of the Senate; which was carried. Ordered, that the clerk inform the Senate forthwith.

Mr Rice offered the following resolution:

Resolved, That this House will hold evening sessions, beginning at three o'clock on Monday next, for the purpose of disposing of the orders of the day, which lies over one day for consideration: also, a resolution inviting the Senate into the Hall of the House of Representatives for the purpose of electing a Secretary of State, Comptroller of Public Accounts, State Treasurer and a Trustee for the fifth judicial circuit; which was adopted.

Ordered, that the clerk inform the Senate.

The Senate repaired to the hall of the House of Representatives, and were seated. Mr President of the Senate announced the object of the convention of the two houses.

The two houses then proceeded to the election of a Secretary of State—THOMAS B. TUNSTALL and WILLIAM GARRETT, being in nomination.

Those who voted for Mr TUNSTALL, are Messrs President, Alston, Creagh, Hudson, Hall, Jones, Lloyd, McVay, Reese, Rice, Terry, Thornton, Toulmin, Turner, Wilson of F. of the Senate; Messrs Speaker, Alexander, Clemens, Davis of A., Davis of L., Dixon, Douglass, Fowler, Hunter, Inge, Jones, King, Little, Marchbanks, McClanahan, Moore of Madison, Moores, Morris, Provence, Reynolds, Strode, Walker of L., Winston of S. and Wynn, of the House of Representatives—40.

Those who voted for Mr GARRETT, are Messrs Andress, Clarke, Dailey, Dent, Farrar, King, Lea, McAllister, McConnell, Oliver, Phillips, Ross, Smith, Watrous, Wilson of J. and Womack, of the Senate; Messrs Adams, Adrian, Ashurst, Baker, Barron, Bates, Bell, Blair, Blount, Bradley, Broughton, Cobb, Crenshaw, Davis of B., Doster, Fitzpatrick, Griffin of M., Griffin of S., Hale, Hall, Hill, Hollinger, Hughs, Hutchinson, Jemison, Kidd, Langdon, Mangum, Mann, McCoy, McCullough, McGill, McLemore, McMillion of B., McMillion of J., Mitchell, Moore of Marion, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Pynes, Randolph, Rice. Roberts, Saunders, Seawell, Shanks, Simmons, Smith of J. Smith of L., Stone, Walker of B., Wann, Williams, Wilson, Winston of DeK., Womack and Young, of the House of Representatives—79.

Mr GARRETT having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected Secretary of State.

The two houses then proceeded to the election of a Comptroller of Public Accounts—JEFFERSON C. VAN DYKE alone in nomination, and having received one hundred and nineteen votes, it being the whole number given, Mr Speaker declared him duly and constitutionally elected Comptroller of Public Accounts.

The two houses then proceeded to the election of a State Treasurer—E. F. COMEGYS, J. H. THOMASON, ROBERT CARUTHERS, and SAMUEL G. FRIERSON, being in nomination.

Those who voted for Mr COMEGYS, are Messrs Alston, Creagh, Hudson, McVay, Rice, Rodgers. Toulmin, and Wilson of J., of the Senate; Messrs Alexander, Baker, Bates, Jones, Marchbanks, McCullough, Moore of Madison, Moore of Marion, Murphy, Walker of B., Walker of L., Wann, Williams, Winston of S. and Wynn, of the House of Reps.—23.

Those who voted for Mr FRIERSON, are Messrs Jones, Lloyd, McAllister, McConnell, Reese, Smith, Terry, Thornton, Turner, and Wilson of F., of the Senate; Adams, Clemens, Cobb, Crenshaw, Davis of A. Davis of L., Dixon, Douglass, Fowler, Griffin of M. Hughs, Hunter, King, McClanahan, McCoy, McMillion of B., McMillion of J. Moores, Province, Randolph, Reynolds, Rice, Smith of J., Strode, and Winston of DeK., of the House of Representatives—35.

Those who voted for Mr Thomason, are Messrs Clarke, Dailey, Farrar, King, Lea, Phillips and Watrous, of the Senate; Messrs Adrian, Blair, Hale, Little, Norris, Norwood, Peguese, Pynes, Roberts, Saunders, Shanks, Simmons, Smith of L., Stone and Wilson, of the House of Representatives—22.

Those who voted for Mr Caruthers, are Messrs President, Andress, Dent, Hall, Oliver, Ross and Womack, of the Senate; Messrs Speaker, Ashurst, Barron, Bell, Blount, Bowen, Bradley, Broughton, Davis of B., Doster, Fitzpatrick, Griffin of S., Hall, Hill, Hollinger. Hutchinson, Inge, Jemison, Kidd, Langdon, Mangum, Mann, McGill, McLemore, Mitchell, Morris, Perkins, Peterson, Prince, Seawell, Womack, and Young, of the House of Representatives—39.

Neither having received a majority of the whole number of votes given, the two houses proceeded to vote a second time.

Those who voted for Comegys, are Messrs Alston, Creagh, Hudson, Phillips, Rice, Rodgers, Toulmin, and Wilson of J. of the Senate; Messrs Alexander, Baker, Davis of L. Jones, McCullough, Moore of Mad. Moore of Marion, Walker of L. Wann, and Williams, of the House of Representatives —18.

Those who voted for Mr Frierson, are Messrs Jones, Lloyd, McAllister, McConnell, McVay, Reese, Smith, Terry, Thornton, Turner, and Wilson of F., of the Senate; Messrs Adams. Adrian, Clemens, Cobb, Crenshaw, Davis of A., Dixon, Douglas, Fowler, Griffin of M., Hughs, King, Marchbanks, McClanahan, McCoy, McMillion of B., McMillion of J., Provence, Randolph, Reynolds, Rice, Smith of J., Strode, Walker of B., Winston of DeK., Winston of S. and Wynn, of the House of Representatives—38.

Those who voted for Mr Thomason, are Messrs Clarke, Dailey, Farrar, King, Ross, and Watrous, of the Senate: Messrs Blair, Hale, Langdon, Norris, Norwood, Peguese. Pynes, Roberts, Saunders, Shanks, Simmons, Smith of L., Stone and Wilson, of the House of Representatives—20.

Those who voted for Mr Caruthers, are Messrs President, Andress, Dent, Hall, King, Oliver and Womack, of the Senate; Messrs Speaker, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Davis of B. Doster, Fitzpatrick, Griffin of S. Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Mangum, Mann. McGill, McLemore, Moores, Morris, Murphy, Perkins, Peterson, Prince, Seawell, Womack and Young, of the House of Representatives—43.

Neither having received a majority of the whole number of votes given, the two houses proceeded to vote the third time.

Those who voted for Mr Comegys, are Messrs Alston, Creagh, Hudson, Rice, Rodgers, and Toulmin of the Senate; Messrs Baker, Jones, and Walker of L. of the House of Representatives—9.

Those who voted for Mr Frierson, are Messrs President, Clarke, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Smith, Terry, Thornton, Turner. Wilson of F. and Wilson of J. of the Senate; Messrs Adams, Adrian. Alexander, Blair, Clemens, Cobb, Crenshaw, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hill, Hughs, King, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Madison, Moore of Marion, Perkins, Provence, Pynes, Randolph. Reynolds, Rice, Smith of J. Smith of L. Strode, Walker of B. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—53.

Those who voted for Mr Thomason, are Messrs Dailey, Farrar, Lea, Phillips and Watrous, of the Senate; Messrs Hale, Little, Roberts, Saunders, Shanks, and Stone, of the House of Representatives---11.

Those who voted for Mr Caruthers, are Messrs Andress, Dent, Hall, King, Oliver, Ross and Womack, of the Senate; Messrs Speaker, Ashurst, Barron, Bates, Bell, Blount. Bowen, Bradley, Broughton, Davis of B. Doster, Fitzpatrick, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Mangum, Mann, McCoy, McGill. McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peters, Peterson, Prince, Seawell, Simmons, Womack and Young, of the House of Representatives —45.

Neither having received a majority of the whole number of votes given, the two houses proceeded to vote the fourth time—the name of *Mr* Comegys having been withdrawn.

Those who voted for Mr Frierson, are Messrs President, Clarke, Creagh, Hudson, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs Adams, Adrian. Alexander, Blair, Clemens, Cobb, Crenshaw, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of m. Hale, Hill, Hughs, Jones, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Provence, Pynes, Randolph. Reynolds. Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode. Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of s. and Wynn, of the House of Representatives—63.

Those who voted for Mr Thomason, are Messrs Dailey, Farrar, of the Senate; and Messrs. Baker. and Little, of the House of Representatives—4.

Those who voted for Mr Caruthers, are Messrs Alston, Andress, Dent, Hall, King, Lea, Oliver, Phillips, Ross, and Womack, of the Senate; Messrs Speaker, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Davis of B. Doster, Fitzpatrick, Griffin of s. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison. Kidd, Langdon, Mangum, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Morris, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Womack and Young, of the House of Representatives—51.

Mr Frierson having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected Treasurer of the State of Alabama.

The two houses next proceeded to the election of a Trustee of the University of Alabama, to fill the vacancy occasioned by the resignation of Thompson M. Rector, of the fifth judicial circuit—Messrs Francis M. Roby and Louis Wyth in nomination.

Those who voted for Mr Roby, are Messrs President, Clarke, Creagh, Dailey, Dent, Farrar, Hall. Jones, King, McConnell, McVay, Oliver, Phillips, Reese. Rice, Rodgers, Terry, Thornton, Toulmin, Turner, Watrous, and Wilson of F. of the senate; Messrs Speaker, Adrian, Alexander, Baker, Barron, Bowen, Broughton, Clemens, Cobb, Crenshaw, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Hale, Hill, Hughs, Hunter, Hutchinson, Inge, Jones, King, Marchbanks, McClanahan, McCullough, McLemore, McMillion of B. Mitchell, Moore of mad. Moore of marion, Moores, Morris, Norris, Norwood, Perkins, Provence, Randolph, Reynolds, Roberts, Saunders, Seawell, Smith of L. Stone, Strode, Walker of B. Walker of L. Williams, Winston of s. Wynn, and Young, of the House of Representatives—74.

Those who voted for Mr Wyth, are Messrs Alston, Andress, Hudson, Lea, Lloyd, Ross, Smith, Wilson of J. and Womack of the senate; Messrs Adams, Ashurst, Bates, Bell, Blair, Blount, Bradley, Doster, Fowler, Griffin of m. Griffin of s. Hall, Hollinger, Jemison. Kidd, Langdon, Little, Mangum, McMillion of J. Murphy, Peguese, Peterson. Prince, Pynes, Shanks, Simmons, Smith of J. Wann, Wilson, Winston of DeK. and Womack, of the House of Representatives—44.

Mr Roby having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected a trustee of the University of Alabama, as aforesaid, for the term prescribed by law.

The Senate then withdrew.

On motion of Mr. Saunders, ordered that hereafter five members of the committee on the judiciary shall form a quorum to transact business.

On motion of Mr Jemison ordered that hereafter five members of the committee on the State Bank and Branches shall constitute a quorum to transact business.

Mr Kidd moved that the House adjourn until Monday ten o'clock, which was carried. Yeas 45—Nays 35.

Those who voted in the affirmative, are Messrs Alexander, Ashurst, Barron, Bates, Bell, Blair, Blount, Bowen, Broughton, Clemens, Davis of A. Davis of L. Doster, Douglass, Fitzpatrick, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jones, Kidd, Little, Mann, McGill, McLemore, Mitchell, Moores, Morris, Murphy, Norris, Prince, Provence, Reynolds, Roberts, Saunders, Smith of L. Strode, Walker of L. Williams, Winston of S., Womack, Wynn and Young..

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Cobb, Crenshaw, Davis of B. Dixon, Fowler, Griffin of M. Hale, Hughs, Jemison, Mangum, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Mooreof Mad. Moore of Marion, Norwood, Peguese, Peterson, Pynes, Randolph, Rice, Seawell, Simmons, Smith of J. Stone, Walker of B. Wann, Wilson and Winston of DeK.

MONDAY, December 7, 1840.

The House met pursuant to adjournment.

Mr Speaker laid before the House the resignation of Wm Garrett, clerk of the House of Representatives; which was read and ordered to lie on the table.

The House proceeded to the election of a principal clerk; whereupon Thomas B. Tunstall was duly elected, was qualified and entered upon the discharge of the duties of his office.

Mr Speaker laid before the House the record of divorce in the case of John Shannon vs. Angelina Shannon; which was read and referred to the committee on divorce and alimony.

The Speaker laid before the House a communication from the cashier of the Bank of the State of Alabama; which was read and referred to the delegation of Sumter county.

Mr Hunter presented the petition of sundry citizens of Lowndes county; which was read and referred to the judiciary committee.

Messrs Pynes, Hutchinson and Smith of J. presented accounts; they were severally referred to the committee on accounts.

Mr Morris presented the petition of the citizens of township twenty-two, range twenty, which was read and referred the delegation of Coosa county.

Mr Inge introduced a bill to be entitled an act to fix the time of holding the circuit court of the county of Sumter; which was read and ordered to a second reading.

Mr Fitzpatrick presented the petition of sundry citizens of Macon county; which was read and referred to the committee on inland navigation.

Mr Little introduced a bill for the relief of Wm. D. Robbins, tax collector of Sumter county, which was read and ordered to a second reading.

Mr Little introduced a bill to be entitled an act to change the name of Wade Webb and for other purposes; which was read and ordered to a second reading.

Mr Hunter from the juniciary committee to which was referred the bill for the relief of Andrew J. Dozier of the county of Chambers reported the same without amendment, the bill was ordered to lie on the table.

Mr Reynolds from the committee on ways and means, reported a bill making appropriations for the year 1841, which was read and ordered to a second reading.

Mr Douglass introduced a memorial to the Congress of the United States, asking the establishment of an armory within this State which was read and ordered to a second reading.

Mr Inge from the committee on propositions and grievances, to which was referred the petition of Jane Doss reported a bill to be entitled, an act for the relief of Jane Doss of Bibb county, which was read and ordered to a second reading.

Mr Moore from the committee on the State Bank and Branches, to which was referred the bill to be entitled an act for the relief of Hugh G. Barclay, reported that it is unnecessary to legislate on the subject and asked to be discharged from the further consideration of the subject, in which report the House concurred.

The same committee to which was referred the memorial of Benjamin Sherrod and others, reported the same back to the House; ordered that said report lie on the table.

Mr Rice introduced a bill to form a new beat in the county of Talladega, which was read and ordered to a second reading.

Mr Blair introduced a bill to regulate justices courts in the county of Dale and for other purposes; which was read and ordered to a second reading.

Mr McGill introduced a bill to guard and protect the property of females, which was read and ordered to a second reading.

Mr Walker of B. from the committee on privileges and elections, to which was referred the bill to abolish and establish certain election precincts therein named reported sundry amendments; ordered that the bill lie on the table.

Mr Baker from the committee on education, to which was referred the petition of sundry citizens of Limestone county reported a bill to incorporate a male and female academy in the county of Limestone, which was read and ordered to a second reading.

The message from the Senate containing the resolution requesting the House to transmit to the Senate the report of the minority of the commissioners appointed to examine the Branch of the Bank of the State of Alabama at Montgomery, being under consideration, the question being on Mr Rice's motion to lay on the table, it was decided in the affirmative. Yeas 82—Nays 1.

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Baker, Barron, Bates, Bell, Blair, Blount, Bowen, Bradley, Broughton, Campbell, Clemens, Crenshaw, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hollinger, Hughs, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, King, Langdon, Little, Mangum, Mann, Marchbanks, McClannahan, McCoy, McCullough, McGill, McLemore. McMillion of B., McMillion of J. Mitchell, Moore of Mad., Moore of Marion, Moores, Morris, Norris, Peguese, Perkins, Peterson, Prince, Province, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Seawell, Shanks, Simmons, Smith of J. Smith of L. Strode, Walker of B. Walker of L., Wann, Williams, Wilson, Winston of DeK. Winston of S., Womack, Wynn and Young.

Those who voted in the negative, are Mr Doster.

A message was received from the Senate, requesting the House to transmit to the Senate the minority report from the Branch Bank at Montgomery.—Ordered, that the clerk transmit said report to the Senate.

Ordered, that Mr Murphy have leave of absence for a few days.

The resolution on the subject of evening sessions was adopted.

Mr Moores introduced the following preamble and resolutions:

Whereas, the constitution of our State declares, that the means of education shall forever be encouraged in this State, and that certain funds shall be exclusively used for the support of a State University, for the promotion of the arts, literature, and the sciences: And further, as in the sixth section of the act of Congress, admitting Alabama into the Union, it is declared that certain lands are appropriated for the use of a seminary of learning, under the direction of the Legislature.

Be it therefore resolved, That it is the duty of this, as of all other Legislatures of this State, to exercise a constant and careful attention to the condition of our University, and to endeavor to promote and extend its prosperity and usefulness, by every means in our power.

2. *Resolved*, That the committee on education be instructed to report to this House:

1. How many professors are attached to the University of Alabama, describing in their report each and every branch of literature taught by each professor:

2. Whether there is not now, and has been for some time past, a vacancy in the professorship of modern languages, and whether a professor of modern languages is not much needed in said University:

3. What is the condition and amount of the University library:

4. How many tutors are attached to said University, and whether the number is sufficient:

5. What is the condition and extent of the chemical and philosophical apparatus.

3. *Resolved*, That said committee be further instructed to inquire into the propriety of so amending the present laws, establishing a University, as to increase the number of Trustees, taking from them all pay for their services, and making the tenure of their office dependent upon their attention to the duties devolving upon them.

Which were adopted.

Ordered, that Mr Moores be added to the committee on education.

Mr Saunders from the committee on the judiciary, to which was referred a bill to incorporate the Factor's Cotton Press and Warehouse, of the city of Mobile, reported that it is inexpedient pass the same.

Mr Jemison moved to postpone the bill indefinitely.

The House then resolved itself into a committee of the Whole House on the bill from the Senate, to regulate punishments under the penitentiary system, Mr Baker in the Chair, and after some time spent in consideration thereof, the committee rose, and Mr Speaker resumed the Chair, and the committee asked to be discharged from the further consideration of the subject.

Mr Walker of B. moved that the report lie on the table; which was carried.

Mr Rice offered the following resolution:

Resolved, That the thirty-fourth rule of the House be amended thus: strike out 'the same shall be first read throughout by the clerk and then again,' and insert 'it shall,' which lies over one day for consideration.

The House then adjourned until three o'clock this evening.

AFTERNOON SESSION, 3 o'clock.

Mr Clemens moved a call of the House, when the following members answered to their names, viz:

Messrs Speaker, Adams, Adrian, Alexander, Baker, Barron, Bell, Blackshear, Blair, Blount, Bowen, Bradley, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Griffin of M. Griffin of S. Hale, Hughs, Hutchinson, Inge, Jemison, Kidd, Little, Mangum, Mann, Marchbanks, McClanahan, McCoy, McCullough, McGill, McMillion of J. Mitchell, Moore of Madison, Moore of Marion, Morris, Norris, Norwood, Peguese, Peterson, Provence, Pynes, Reynolds, Rice, Roberts, Simmons, Smith of L. Stone, Strode, Walker of B. Williams, Wilson, Winston of S. Womack and Wynn.

The bill to compensate certain persons therein named being under consideration, Mr Inge moved that it be indefinitely postponed; which was carried. Yeas 50—Nays 29.

Those who voted in the affirmative, are Messrs Speaker, Alexander, Baker, Barron, Bell, Blair, Bowen, Bradley, Campbell, Clemens, Crenshaw, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fowler, Hall, Hollinger, Hutchinson, Inge, Jemison, Kidd, King, Langdon, Little, Mangum, Marchbanks, McClanahan, McCoy, McLemore, McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Peguese, Perkins, Peterson, Prince, Saunders, Simmons, Smith of L. Walker of B. Williams, Wilson, Winston of De K. Womack Wynn and Young.

Those who voted in the negative, are Messrs Adams, Adrian, Blackshear, Blount, Broughton, Doster, Fitzpatrick, Griffin of M. Griffin of S. Hale, Hughs, Mann, McCullough, McGill, McMillion of B. Norris, Norwood, Provence, Pynes, Randolph, Reynolds, Rice, Shanks, Smith of J. Stone, Strode, Walker of L. Wann and Winston of S.

On motion of Mr Clemens,

Resolved, That the clerk of the House of Representatives be authorized to employ an assistant clerk for the remainder of the session.

Mr Mitchell made the following report:

The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles:

An act to alter and amend the laws for assessing and collecting the taxes in the county of Butler:

An act to divorce Sarah Welsh from her husband Dennis R. Welsh:

An act for the relief of Thomas S. Bibb, of Lawrence county.

The House then proceeded to the orders of the day.

The bill from the Senate, regulating the mode of collecting costs accruing in the supreme court, was read the third time and passed. Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The engrossed bill to repeal that part of the militia law which requires brigade encampment drills and for other purposes, being under consideration, Mr Rice moved the previous question; which was lost. Yeas 34—Nays 44.

Those who voted in the affirmative, are Messrs Adrian, Alexander, Baker, Barron, Blackshear, Bowen, Broughton, Crenshaw, Davis of L. Douglass, Fitzpatrick, Fowler, Griffin of M. Hughs, Hunter, King, Mangum, Mann, Marchbanks, McMillion of B. McMillion of J. Moore of Marion, Norris, Norwood, Peguese, Pynes, Randolph, Rice, Smith of J. Stone, Wann, Williams, Womack and Wynn.

Those who voted in the negative, are Messrs Speaker. Adams, Bates. Bell, Blount, Bradley, Campbell, Clemens, Davis of A. Davis of B. Dixon, Doster, Griffin of S. Hale, Hall, Hollinger, Hutchinson. Inge, Jemison, Langdon, Little, McClanahan, McCoy, McCullough, McGill, McLemore, Mitchell, Moore of Mad. Moores, Morris, Perkins, Peterson, Prince, Reynolds, Roberts, Saunders, Seawell, Simmons, Smith of L. Walker of B. Walker of L. Winston of DeK. Winston of S. and Young.

Mr Bates moved to amend it by way of engrossed ryder, which was adopted as follows: 'That the provisions of this act shall not extend to the following brigades, viz: fifteenth brigade, sixth division; fourteenth brigade, third division; ninth brigade, and fourth division; fifth brigade, and second division Alabama militia.

Mr Winston of S. moved to amend it by two additional sections, by way of engrossed ryder.

Mr Crenshaw then moved to amend Mr Winston's amendment, by striking out the words 'and non-commissioned;' which was lost.

Mr Blount then moved to indefinitely postpone the bill; which was lost. Yeas 23—Nays 55.

Those who voted in the affirmative, are Messrs Blount, Bradley, Campbell, Davis of A. Davis of B. Doster, Fitzpatrick, Griffin of S. Jemison, Langdon, Mangum, McGill, Mitchell, Moore of Madison, Moores, Morris, Perkins, Peterson, Reynolds, Seawell, Walker of B. and Winston of S.

Those who voted in the negative, are Messrs Adrian, Alexander, Bates, Bell, Blackshear, Blair, Bowen, Broughton, Crenshaw, Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hale, Hall, Hollinger, Hughs, Hunter, Hutchinson, Inge, Jones, King, Little, Mann, Marshbanks, McClanahan, McCoy, McCullough, McMillion of B. McMillion of J. Moore of Marion, Norris, Norwood, Peguese, Prince, Provence, Pynes, Randolph, Rice, Roberts, Saunders, Shanks, Simmons, Smith of J. Smith of L. Stone, Walker of L. Wann, Williams, Wilson, Winston of DeK. Womack and Young.

Mr Blount moved that the House adjourn until ten o'clock to-morrow; which was lost.

The question recurred on Mr Winston's amendment.

Mr Reynolds moved to amend Mr Winston's amendment, by inserting after the word. 'same,' the words, 'to be applied as other military fines."

Mr Inge moved to adjourn to ten o'clock to-morrow; which was carried.

TUESDAY, December 8, 1840.

The House met pursuant to adjournment.

Mr Smith of L. presented the petition of sundry citizens of Lauderdale county; which was read and referred to the delegation of Lauderdale county.

Mr Young presented the petition of sundry citizens of Greene county; which was read and referred to the committee on roads, bridges and ferries.

Mr Speaker laid before the House a communication from the commissioners appointed to examine the branch bank at Decatur; which was read and referred to the printing committee.

Mr Inge, from the committee on propositions and grievances, to which was referred the petition of William S. Taylor, reported a bill for the relief of William S. Taylor of Barbour county; which read and ordered to a second reading.

Mr Crenshaw, from the select committee, to which was referred the bill from the Senate to change the time of holding the circuit courts of the second judicial circuit, reported a substitute in lieu thereof; which was adopted. The bill was then odered to a third reading.

Mr Moore of Mad', from the committee on the State Bank and branches, to which was referred a resolution instructing them to inquire into the expediency of passing a law authorizing the State Bank and branches to employ a suitable agent or agents, to collect or secure the debts due said Banks, from debtors who reside in Texas or elsewhere, reported that the laws now in force, authorize the employment of the agents contemplated by said resolution, and that the banks have exercised the power in several instances under the present laws, and that it is inexpedient to legislate further on the subject.

The same committee, to which was referred the bill in relation to bonds given by the officers of the Bank of the State of Alabama and its several branches, reported an amendment; which was adopted. It is ordered to be engrossed for a third reading.

The same committee, to which was referred the resolution instructing them to inquire into the expediency of passing an act compelling the State Bank and branches, to bring suit hereafter for the collection of their debts, in the counties where the respective debtors reside, reported that it would be inexpedient to legislate on the subject; in which report the House concurred.

The same committee, to which was referred a resolution to inquire into the propriety of the Huntsville and Decatur Banks loaning out money in less sums than one hundred dollars, reported that it would be inexpedient to make said change, as it would greatly increase the expenses of the bank, and render their books too extensive, for the duties to be performed by the present clerks; in which report the House concurred.

Mr Saunders, from the judiciary committee, to which was referred the bill from the Senate for the relief of —— Howell, reported an amendment; which was adopted. It was ordered to its third reading.

Mr Mitchell, from the select committee, to which was referred the bill for the improvement of the navigation of the Black Warrior river, from its junction with the Tombeckbee river to the city of Tuscaloosa, reported the bill back to the House, and recommended its reference to the committee on inland navigation; which was agreed to.

Mr Saunders, from the judiciary committee, to which was referred an act to incorporate the Poplar Grove company of the city of Mobile, reported the said bill back to the House, and that it is inexpedient to pass the same; in which report the House concurred.

A message from the Senate by Mr Hill, their Secretary:

Mr Speaker—The Senate has passed a bill to be entitled an act to amend an act for the collection of the taxes in the county of Marengo, approved, February 1st, 1840, and for other purposes, which originated in the Senate.

The Senate has also passed a joint resolution in relation to the Supreme Court decisions, which originated in the House of Representatives, amended as therein shewn; in which the concurrence of the House of Representatives is respectfully requested.

Ordered, that the House concurr in the amendment made by the Senate to the joint resolution in relation to the Supreme Court decisions.

The bill from the Senate to amend an act for the collection of taxes in the county of Marengo, approved, February 1st, 1840, and for other purposes, was read the first time and ordered to a second reading.

Mr Saunders, from the judiciary committee, to which was referred a bill to incorporate an institution of learning therein named, reported sundry amendments, which were adopted. It was ordered to be engrossed for a third reading.

The same committee, to which was referred a petition of Elizabeth Morris, an alien of Mobile, reported a bill to amend and explain an act entitled an act for the relief of Elizabeth Morris, approved, January 9th, 1836; which was read and ordered to a second reading.

Mr Baker made the following report:

The committee on education, to which was referred a resolution inquiring into the state of the funds of the University, with the general management and future prosperity of said University, have had the same under consideration, and have instructed me to report a bill and recommend its passage, and ask leave to retain the resolution, with a view of reporting on further points in said resolution.

The committee reported the bill for the adjustment and settlement of the debts of the University of this State with the State Bank of Alabama; which was read and ordered to a second reading.

Mr Saunders, from the judiciary committee, to which was referred the bill amendatory of the law on the subject of divorce, reported the same back to the House, and that it is inexpedient to pass the same; in which report the House concurred.

Mr Moores, from the select committee, to which was referred a resolution instructing them to inquire into the expediency of changing the time of holding the general election in this State, reported a bill to change the time of holding the general election in this State; which was read and ordered to a second reading.

Mr Saunders, from the judiciary committee, to which was referred the petition of Thomas Lowry and J. H. Pierce, reported that it is inexpedient to legislate on the subject.

Mr Clemens moved that the report lie on the table; which was carried.

Mr Smith of J. from the select committee to which was referred a bill to change the mode of assessing and collecting the tax in Jackson county, reported that it is inexpedient to pass the bill; in which report the House concurred.

Mr Hutchinson made the following report:

The select committee, to which was referred certain resolutions of the citizens of Georgetown, have had the same under consideration, and have instructed me to return the same to the House without further report, and ask leave to be discharged from the further consideration thereof.

The committee asked to be discharged from the further consideration of the subject; which was granted.

The question was to adopt the rule introduced by Mr Rice on yesterday, and carried. The yeas and nays being demanded. Yeas 50—Nays 28.

Those who voted in the affirmative, are Messrs Ashurst, Baker, Barron, Bates, Bell, Crenshaw, Dixon, Douglass, Fitzpatrick, Hall, Hutchinson, Inge, Jemison, King, Langdon, Little, Mangum, Marchbanks, McClanahan, McCullough, McLemore, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Moores, Morris, Peguese, Peterson, Prince, Pynes, Randolph, Reynolds, Rice, Saunders, Seawell, Simmons, Smithof J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Wynn and Young.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Blount, Bowen, Bradley, Clemens, Davidson, Davis of A. Davis of B. Davis of L. Doster, Fowler, Griffin of M. Griffin of S. Hale, Hollinger, Mann, McCoy, McGill, Mitchell, Norris, Norwood, Provence, Winston of S. and Womack.

The House resolved itself into a committee of the whole House on the bill from the Senate to establish a State prison and penitentiary, Mr Baker in the chair, and after sometime spent in the consideration of the same, the committee rose, Mr Speaker resumed the chair and, leave was asked for the committee to sit again; which was granted.

The House then adjourned until three o'clock P. M.

AFTERNOON SESSION, THREE O'CLOCK.

The House proceeded to the consideration of the order of the day.

The bill to regulate the practice in the courts of chancery in this State being under consideration.

Mr Morris moved to strike out the second section; which was carried.

Mr Morris further moved to strike out the seventh section; which was carried.

Mr Morris moved to amend the eighth section with the following 'in which the defendant would be liable to be sued at common law under existing laws, and in case the defendant be a non-resident then in the circuit court in the county in which the chancery court may be held or in the county of the residence of the plaintiff at the discretion of the chancellor;' which was lost.

Mr Morris moved further to amend the bill by striking out the tenth section; which was carried.

Mr Morris moved further to amend the bill by adding an additional section.

Mr Strode moved to amend Mr Morris' amendment; which was adopted.

The amendment as amended was lost.

Mr Morris moved further to amend the bill by striking out the seventeeth section; which was carried.

Mr Rice moved the following amendment to the twelfth section: 'except application for writs of injunction and *ne exeat* which may be made at any time and without notice, upon an affidavit being made by the party applying showing good and sufficient cause for the issuance of such writs;' which was adopted.

Mr Rice moved further to amend the bill by adding an additional section; which was carried.

Mr Clemens moved to amend the bill by striking out the word 'reasonable' to insert the words 'at least thirty days; which was carried.

Mr Walker of B. moved to amend the eleventh section with the following: 'unless the material facts contained in the bill praying the appointment of a receiver shall be supported by the affidavit of one or more witnesses and notice given to the defendant that application will be made for the appointment of a receiver;' which was adopted.

Mr Jemison moved to amend the bill by adding an additional section; which was carried.

Mr Clemens moved to reconsider the vote taken to strike out the seventh section; which was lost.

The bill was then referred to the judiciary committee.

The engrossed bill to repeal that part of the military law which required brigade encampment drills and for other purposes, was read the third time.

The question was to adopt Mr Bates' engrossed ryder by way of section; which was carried.

The question was then on Mr Williams' ryder by way of proviso; which was carried.

The question was then put, 'shall this bill pass' and determined in the affirmative. Yeas 52—Nays 24. The yeas and nays were demanded.

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Ashurst, Bates, Bell, Blount, Bradley, Crenshaw, Davisof L. Dixon, Doster, Douglass, Fowler, Griffin of M. Hale, Hall, Hollinger, Hughs, Hunter, Hutchinson, King, Little, Mangum, Mallard, Mann, Marchbanks, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Norwood, Peguese, Prince, Pynes, Randolph, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of L. Wamn, Williams, Wilson, Winston of DeK. and Wynn.

Those who voted in the negative; are Messrs Speaker, Baker, Barron, Blair, Campbell, Davidson, Davis of A. Davis of B. Fitzpatrick, Griffin of S. Houston, Inge, Jemison, Jones, Moore of Mad. Moore of Marion, Moores, Morris, Norris, Perkins, Peterson, Reynolds, Walker of B. and Winston of S.

Ordered that the title be as aforesaid.

Ordered that the same be sent to the Senate for its concurrence:

And then the House adjourned until to-morrow morning ten o'clock.

WEDNESDAY, December, 9, 1840.

The House met pursuant to adjournment.

Messrs Mann, Blount, McGill, Ashuist, Smith of L., Rice and Mallard presented accounts; they were severally read and referred to the committee on accounts.

Mr Speaker laid before the House a communication from the cashier of the Bank of the State of Alabama; which was read and referred to the printing committee.

Mr Speaker laid before the House a communication from the Tennessee canal commissioners.

Ordered that said communication lie on the table, and that one hundred and thirty-five copies be printed.

Mr Rice presented the memorial of Margaret Cotton and Alexander J. Cotton with his wife Margaret T· Cotton of Talladega county, which was read and referred to the committee on propositions and grievances.

Mr Hollinger introduced a bill to change the time of electing harbor master and warden for the port of Mobile; which was read and ordered to a second reading.

The engrossed bill to incorporate the Factor's Cotton Press and Warehouse Company in the city of Mobile, was referred to the delegation of Mobile county.

A message was received from the Governor, by Mr Bagby:

Mr Speaker—I am instructed by the Governor to inform the House of Representatives, that he has approved and signed bills of the following titles, viz:

A bill to locate the seat of justice of Marion county, and for other purposes:

A bill to be entitled an act for the relief of Thomas Casey and others.

A bill to be entitled an act for the relief of Thomas W. Bibb of Lawrence county:

A bill to be entitled an act to alter and amend the laws for assessing and collecting taxes in the county of Butler:

And a bill to be entitled an act to divorce Sarah Welsh from her husband Dennis R. Welsh:

All of which originated in this House.

Mr Hunter from the committee on inland navigation to which was referred a resolution inquiring into the expediency of making an appropriation to improve the navigation of Bear Creek in Baldwin county, reported that it was inexpedient to make the appropriation.

Mr Hall moved that the report lie on the table; which was carried.

The same committee to which was referred the petition of sundry inhabitants of the counties of Pike, Butler, Covington, and Lowndes, praying an appropriation to improve the navigation of Conecuh river and Patsaliga river as far as Melville, in Butler county, reported it inexpedient to grant the prayer of the petitioners.

Mr Crenshaw moved that the report lie on the table, which was carried.

The same committee to which was referred an act to assist the Montgomery Rail Road Company, reported the same back without amendment and asked to be discharged from the further consideration thereof, which was granted.

Ordered, that the report lie on the table.

The same committee, to which was referred the petition of sundry persons praying a repeal of the law declaring Uphaupa creek a public high way, and for other purposes reported that it is inexpedient to confer the privilege prayed for.

Ordered that said report lie on the table.

The same committee, to which was referred a resolution inquiring into the expediency of withdrawing five thousand dollars of the money appropriated for the improvement of the Coosa river, and that the same be appropriated to the improving the navigation of the Cahawba river, reported the same as inexpedient. Ordered, that the report lie on the table.

The committee to which was referred the bill to improve that portion of the Tombeckbee river above its junction with the Black Warrior, not heretofore embraced in any act for the improvement of the Tombeckbee river, reported that it is inexpedient to pass the same.

Ordered, that the report lie on the table.

The same committee, to which was referred a resolution to inquire into the expediency of appropriating the whole of the three per cent fund, to the completion of the Selma and Gunter's landing rail road, or of adopting other modes of appropriating said fund, so as more closely to identify the southern and northern portion of our State, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject.

Mr Moores moved to re-commit the bill to the same committee; which was carried..

A message from the Senate by Mr Hill, their Secretary:

Mr Speaker—The Senate has passed bills of the following titles, viz:

An act to improve that portion of the Bigby river above its junction with the Warrior, not heretofore embraced in any act for the improvement of the navigation of the Bigby river:

An act for the relief of Andrew J. Dozier:

An act to prevent frauds in elections:

An act to change the time of holding the county court of Morgan county:

Which originated in the Senate.

And also, bills of the following titles, which originated in the House of Representatives:

An act making appropriations for the payment of certain claims against the State, amended as therein shewn:

An act to authorize the tax collectors of the counties of Marshall, Chambers and Talladega, to receive jury certificates in payment of taxes due said counties, amended as therein shewn.

Bills from the Senate of the following titles:

An act to prevent frauds in elections:

An act for the relief of Andrew J. Dozier:

An act to improve that portion of the Bigby river above its junction with the Warrior, not heretofore embraced in any act for the improvement of the navigation of the Bigby river:

Were severally read, and ordered to a second reading.

The bill from the Senate, to change the time of holding the county court of Morgan county, was read and ordered to a second reading.

Ordered, that the House concur in the amendments made by the Senate, to the bill to authorize the tax collectors of the counties of Marshall, Chambers and Talladega, to receive jury certificates in payment of taxes due said counties.

The question was to concur in the amendments made by the Senate, to the bill making appropriation for the payment of certain claims against the State, and carried. Yeas 43—Nays 39. The yeas and nays were demanded.

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Ashurst, Blackshear, Blair, Bowen, Clemens, Cobb, Crenshaw, Davis of A. Davis of L. Dixon, Douglass, Fowler, Hale, Hughs, Hunter, Inge, Jemison, King, Little, Mallard, McClanahan, McCoy, McLemore, McMillion of B. McMillion of J. Moore of Mad. Morris, Provence, Saunders, Smith of J. Smith of L. Strode, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. Wynn and Young.

Those who voted in the negative, are Messrs Speaker, Baker, Barron, Bates, Bell, Blount, Bradley, Broughton, Campbell, Davidson, Davis of B. Doster, Fitzpatrick, Griffin of S. Hall, Hollinger, Houston, Hutchinson, Jones, Langdon, Mangum, Mann, McCullough, McGill, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Prince, Radolph, Reynolds, Roberts, Seawell, Shanks, Stone, Williams and Womack.

Mr Moore of Mad. made the following report:

The committee on the State Bank and Branches, to which was referred the preamble together with the resolution following, viz:

Be it therefore resolved, That the committee on the State Bank and Branches, be instructed to inquire into the expediency of removing a portion of the banking capital of the bank at Decatur, to the town of Gainesville, in the county of Sumter, for the purpose of establishing an office of discount and deposite, or a Branch Bank at that place, with leave to report by bill or otherwise: have had the same under consideration, and have instructed me to report, that there are many reasons which operate upon your committee at this time, which forbids the extension of our State Bank system, by the establishment of additional branches. They fully admit the just claims of the highly respectable counties of Sumter, Pickens, Greene and Marengo, to a more equal participation of banking facilities, on account of their wealth and productiveness. But they respectfully report that the condition of the Decatur Bank, from the report of the commissioners, is not now in a condition to remove any portion of her capital at the present time, and that a transfer of a part of her capital, which has already been loaned out by discounting upon it, could not be recalled suddenly without ruinous consequences falling upon the debtors of said Branch Bank; and therefore, the transfer of the stock of the said Bank under such circumstances, would only tend to increase the expense of our banking institutions, without enlarging their ability for relieving the wants of the people, respectfully report that under the present state and condition of said Branch Bank at Decatur, it would be inexpedient to legislate upon the subject of the removal of said capital of the Decatur Bank, at the present time.

The House again resolved itself into a committee of the Whole House, on the bill from the Senate, to establish a State prison and penitentiary, Mr Baker in the chair.

And after some time spent in consideration of the same, the committee rose, Mr Speaker resumed the chair and leave was asked for the committee to sit again to-morrow at twelve o'clock; which was granted.

The House then adjourned until three o'clock, this evening.

AFTERNOON SESSION, 3 o'clock.

The House met pursuant to adjournment.

Mr Mallard from the select committee to which was referred the bill to establish a board of commissioners for the improvement of the Black Warrior river and for other purposes, approved February 1, 1839, reported a substitute in lieu thereof; which was adopted.

It was referred to the committee on inland navigation.

Mr Smith of L. from the select committee, to which was referred a memorial from sundry citizens of Lauderdale county, reported a bill to change the time of holding the county court of Lauderdale county: which was read the first, second and third time, considered as engrossed and passed. Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

Mr Morris, from the select committee, to which was referred the petition of sundry citizens of township twenty-second, range twenty, reported that the petitioners are entitled to relief under the existing laws, and asked to be discharged from the further consideration thereof; which was granted.

Mr Hutchinson introduced a bill to carry into effect the action of a former Legislature; which was read and ordered to a second reading.

Mr Bell introduced a bill to attach a part of the county of Butler to the county of Conecuh; which was read the first and second time forthwith, and referred to the delegation of Butler and Conecuh counties.

The House proceeded to the orders of the day.

The bill for the further prevention of frauds being under consideration, Mr Rice moved that it be indefinitely postponed.

The House then adjourned until ten o'clock to-morrow.

THURSDAY, December 10, 1840.

The House met pursuant to adjournment.

Accounts were presented by Messrs. Rice, Moore of Mad. and Stone; which were severally read and referred to the committee on accounts.

Mr Fowler presented the petition of sundry citizens of Blount county; which was read and referred to the committee on propositions and grievances.

Mr Little presented the petition of sundry citizens of Sumter county; which was read and ordered to lie on the table.

The House resumed the consideration of the report made on yesterday by Mr Moore of Madison, on the subject of State Bank and Branches. It was referred to a select committee, consisting of Messrs. Inge, Murphy, Moores. McGill, Mann, Mangum, Rice, Smith, Norris, Seawell, Blackshear and Blair. Yeas 60—Nays 29. The yeas and nays being demanded.

Those who voted in the affirmative, are Messrs. Speaker, Adrian, Alexander, Ashurst Baker, Barron, Bates, Bell, Blackshear, Blair, Bowen, Bradley, Broughton, Campbell, Davidson, Davis of A. Davis of B. Dixon, Doster, Douglass, Griffin of S. Hall, Hughs, Hunter, Hutchinson, Inge, Jemison. Kelly, Laugdon, Little, Mangum, Mann. McAlpin, McCoy, McGill, Mitchell, Moore of Mad. Moores, Morris, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Pynes, Rice, Roberts, Seawell, Shanks. Smith of J. Smith of L. Spruill, Walker of B. Wilson, Winston of DeK. Winston of S. Womack and Young.

Those who voted in the negative, are Messrs. Adams, Blount, Clemens, Cobb, Davis of L. Fitzpatrick, Fowler, Griffin of M. Hale, Kidd, King, Mallard. Marchbanks, McClanahan, McCullough, McLemore, McMillion of B. McMillion of J. Moore of Marion, Provence, Randolph, Reynolds, Saunders, Simmons, Stone, Walker of L. Wann, Williams and Wynn.

A message was received from his Excellency, the Governor, by J. D. Bagby, which was as follows:

Sir—I have received, with a request to lay them before the General Assembly. the accompanying resolutions of the Legislature of Vermont, in relation to the election of President of the United States.

(Signed,) A. P. BAGBY.

Mr Clemens moved that the message with the accompanying resolutions lie on the table; which was lost. Yeas 37—Nays 50. The yeas and nays being demanded.

Those who voted in the affirmative, are Messrs. Speaker, Adrian, Alexander, Baker, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Hale, Hall, Hughs, Kelly, King, Mallard, Marchbanks, McCullough, McMillion of B. McMillion of J. Moore of Mad. Provence, Pynes, Randolph, Reynolds, Seawell, Simmons, Smith of J. Smith of L. Walker of B. Wann, Winston of S. and Wynn.

Those who voted in the negative, are Messrs. Adams, Ashurst, Barron, Bates, Bell. Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davidson, Davis of B. Fitzpatrick, Griffin of M. Griffin of S. Hunter, Hutchinson, Inge, Jemison, Langdon, Little, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moore of Marion, Moores, Morris, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Rice, Roberts, Saunders, Shanks, Spruill, Stone, Walker of L. Williams, Wilson, Winston of DeK. Womack and Young.

Mr Smith of L. moved that they be referred to the committee on the judiciary, which was carried.

A message from the Senate by Mr Hill, their Secretary:

Mr Speaker—The Senate has passed bills of the following titles:

An act to authorize the election of an assessor and tax collector for the county of DeKalb:

An act to repeal the fifth section of an act to incorporate the town of Fredonia, in Chambers county, approved February 4th, 1840:

An act for the benefit of the Alabama Fencibles:

An act regulating sales by sheriffs of the county of Bibb:

An act to incorporate a male and female academy at the town of McDonald, in the county of Randolph: Also,

An act requiring the judge of the county court of Shelby county, to reside at or within three miles of the court house, and have amended the same as therein shewn. They have also amended the caption, by inserting 'Butler' after 'Shelby:'

All of which originated in the House of Representatives.

Also, an act more permanently to locate the seat of justice for the county of Monroe.

An act to extend the jurisdiction of justices of the peace in certain cases; which originated in the Senate:

In which the concurrence of the House of Representatives is requested.

Mr Bates introduced a bill to amend the charters of the Bank of Mobile, and the Planters and Merchants' Bank of Mobile; which was read the first and second time forthwith, and referred to the committee on the State Bank.

Mr Morris moved to suspend the orders of the day; which was lost.

Mr Fowler made the following report:

The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit:

An act to amend a certain act therein named: And,

An act for the relief of Africa Roundtree.

The House then adjourned until three o'clock, this evening.

AFTERNOON SESSION, 3 o'clock.

The House met pursuant to adjournment.

The House again resolved itself into a committeee of the Whole House on the bill from the Senate, to establish a State prison and penitentiary, Mr Baker in the chair.

And after some time spent in the consideration of the same, the committee rose, Mr Speaker resumed the chair, and leave was asked for the committee to sit again to-morrow at twelve o'clock; which was granted.

The House then adjourned until ten o'clock to-morrow.

FRIDAY, December 11, 1840.

The House met pursuant to adjournment.

Accounts were presented by Messrs Stone and Mann. They were severally read and referred to the committee on accounts.

Mr McClanahan presented a communication on the subject of the Branch Bank at Decatur; which was read and referred to the select committee on printing.

Mr Moore of Mad. presented a communication from the President and Directors of the Bank of the State of Alabama, which was read and referred to the committee on the State Bank.

Mr Saunders made the following report:

'The committee on the judiciary, to which was referred joint resolutions of the Legislature of New-Jersey, in relation to the rejected members of Congress from that State, have had the same under consideration, and have instructed me to report the same back to the House, and ask to be discharged from its further consideration, and recommend that said resolutions be laid on the table without discussion.

Mr Morris moved that the report and accompanying resolutions, lie on the table; which was carried.

Mr Saunders made the following report:

The committee on the judiciary, to which was referred a bill to be entitled an act to regulate the practice in the courts of chancery in this State, have had the same under consideration, and have instructed me to report said bill back to the House with the following amendments:

1st. Re-insert the sections second, seventh, tenth and seventeenth, stricken out by the House.

2d. Adopt the amendments and an additional section, number twenty, attached to the bill: and to recommend the passage of the bill so amended.

Mr Cobb moved that the report and bill lie on the table; which was lost. Yeas 22—Nays 62. The yeas and nays were demanded.

Those who voted in the affirmative, are Messrs Adams, Alexander, Clemens, Cobb, Davis of A. Davis of L. Douglass, Fitzpatrick, Mann, Marchbanks, McMillion of J. Perkins, Peterson, Provence, Pynes, Simmons, Smith of J. Spruill, Stone, Wann, Wilson and Wynn.

Those who voted in the negative, are Messrs Speaker, Adrian, Ashurst, Baker, Barron, Bates, Bell, Blackshear, Blair, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Dixon, Doster, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hollinger, Houston, Hughs, Hunter, Hutchinson, Inge, Jemison, Kelly, Langdon, Little, Mangum, Mallard, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. Moore of Mad. Moore of Marion, Moores, Morris, Murphy, Norwood, Prince, Randolph, Reynolds, Rice, Roberts, Saunders, Seawell, Smith of L. Strode, Walker of B. Williams, Winston of DeK. Winston of S. and Womack.

Ordered, that the House concur in the several amendments made to the said bill.

Ordered, that Mr Young have leave of absence.

A message was received from the Senate, by Mr Hill, the secretary:

Mr Speaker—The Senate has passed bills of the following titles, which originated in the House of Representatives, to wit:

An act to change the time of holding the county court of Lauderdale county:

An act to change to the time of holding the August term of the commissioners court of roads and revenue in the county of Henry:

An act to amend an act to incorporate the town of Columbiana, in the county of Shelby, approved 5th December, 1837:

An act to attach a part of the county of Wilcox to the county of Butler:

An act to regulate taxation for the county of Henry;

An act to raise a fund for the payment of jurors for the county of Pike:

An act to alter the mode of assessing and collecting the taxes for Henry and Dale counties;

An act to authorize the election of an assessor and tax collector for the county of Cherokee:

An act to limit the session of the circuit court to three weeks in the county of Talladega:

An act to authorize and compel the tax collector for the county of Covington to receive in payment of taxes for said county, jury tickets for services rendered in the circuit and county courts, and for other purposes;

An act to authorize the tax collector and clerk of the county court of Tallapoosa county, to receive in payment of public dues certain certificates therein named, amended as therein shown.

The Senate has also passed bills of the following titles, which originated in the Senate, to wit:

An act to compensate the commissioners of roads and revenue in the county of Wilcox:

An act to compensate the commissioners of roads and revenue in the county of Dale, and for other purposes:

An act to require the judge of the county court for Monroe county to reside within five miles of the court house of said county:

An act for the protection of securities in certain cases:

An act to establish an additional board of physicians in the town of Jacksonville:

An act to complete the improvement in the Muscle Shoals in the Tennessee river:

An act allowing compensation to certain persons:

Engrossed joint resolutions proposing the call of a convention:

An act to authorize the clerks of the county courts of the several counties in this State, to sue on stray bonds in the beat in which the court house is situated:

An act to restrict the several corporations in the State of Alabama:

An act concerning exemptions from working on public roads in De Kalb county, and for other purposes:

In which the concurrence of the House of Representatives is respectfully requested.

The bill to establish the permanent seat of justice for the county of Russell, was read the second and third time forthwith, considered as engrossed, and passed. Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

The House again resolved itself into a committee of the whole house on the bill from the Senate to establish a State prison and penitentiary: Mr Baker in the chair.

And after some time spent in the consideration of the same, the committee rose, Mr Speaker resumed the chair, and leave was asked to sit again, which was granted.

The House adjourned until three o'clock, this evening.

AFTERNOON SESSION, THREE O'CLOCK.

The House met pursuant to adjournment.

Ordered, that Mr McMillion of B. be added to the committee on inland navigation.

Ordered, that Mr Morris be added to the printing committee.

Ordered, that the House concur in the amendments made by the Senate to the bill requiring the judge of the county court of Shelby and Butler counties to reside at or within three miles of the court house.

Ordered, that the House concur in the amendments made by the Senate to the bill to authorize the tax collector and clerk of the county court of Tallapoosa county, to receive in payment of public dues certain certificates therein named.

The bill from the Senate more permanently to locate the seat of justice for the county of Monroe was read the first, second and third time forthwith, and passed. Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

Bills from the Senate of the following titles:

An act to extend the jurisdiction of justices of the peace in certain cases:

An act concerning exemption from working on roads in De Kalb county, and for other purposes:

An act to restrict the several corporations in the State of Alabama:

An act to require the judge of the county court for Monroe county, to reside at or within five miles of the court house for said county:

An act to establish an additional board of physicians in the town of Jacksonville:

An act allowing compensation to certain persons:

Joint resolutions proposing the call of a convention:

An act to authorize the clerks of the county courts of the several counties in this State to sue on stray bonds in the beat in which the court house is situated:

An act to complete the improvement of the Muscle shoals, in the Tennessee river:

An act for the protection of securities in certain cases:

An act to compensate the commissioners of roads and revenue in the county of Wilcox:

An act to compensate the commissioners of roads and revenue in the county of Dale, and for other purposes:

Were severally read and ordered to second reading.

Mr Houston called up the bill to provide for the payment of petit jurors in the county of Washington.

It was then placed among the orders of the day.

The House again resolved itself into a committee of the whole house on the bill from the Senate to establish a State prison and penitentiary: Mr Walker of B. in the chair.

And after some time spent in the consideration of the same, the committee rose, Mr Speaker resumed the chair, and leave was asked to sit again at the hour of twelve o'clock, to-morrow, which was granted.

The House then adjourned until ten o'clock, to-morrow.

SATURDAY, Dec. 12, 1840.

The House met pursuant to adjournment.

Mr Langdon presented sundry communications. They were read and severally referred to a select committee, consisting of Messrs Langdon, Bates, Inge, Murphy and Moore of Mad.

Mr Griffin of S. presented the petition of the commissioners of township twenty-one, range five, in the county of Shelby; which was read and referred to the committee on propositions and grievances.

Mr Wann presented the petition of sundry citizens of Jackson county; which was read and referred to the delegation of Jackson county.

Mr Inge presented the petition of sundry citizens of Sumter county; which was read and referred to the committee on education.

Mr Williams presented the petition of sundry citizens of Jackson county, which was read and referred to the committee on the State Bank.

Ordered, that the House concur in the amendments made by the Senate to the bill regulating the practice in the courts of chancery in this State. It is ordered to be engrossed for a third reading.

Mr Moore of Mad. read the following report:

The committee on the State Bank and Branches, to which was referred a resolution instructing them to inquire into the expediency of extending the same relief to those who have borrowed money from said bank, during the present year, 1840, under the relief law of the last legislature, instructing our banks, each, to loan or put in circulation five hundred thousand dollars, which is extended by the provisions of that law to bank debtors, with leave to report by bill or otherwise, have had the same under consideration, and have instructed me to report that it is inexpedient to legislate on the subject.

Mr Fitzpatrick moved to lay the report on the table; which was lost. Yeas 30—Nays 57. The yeas and nays being demanded.

Those who voted in the affirmative, are Messrs Adrian, Blair, Broughton, Campbell, Cobb, Davis of A. Davis of B. Fitzpatrick, Garrett, Griffin of S. Hall, Hughs, Hunter, Hutchinson, Kidd, Mangum, Mann, McGill, Moores, Peguese, Peterson, Pynes, Rice, Seawell, Simmons, Smith of J. Stone, Wann, Williams, and Womack.

Those who voted in the negative, are Messrs Speaker, Adams, Alexander, Ashurst, Baker, Barron, Bates, Bell, Blackshear, Blount, Bowen, Bradley, Davenport, Davidson, Davis of L. Dixon, Doster, Douglass, Fowler, Griffin of M. Hale, Hollinger, Houston, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Morris, Murphy, Norris, Perkins, Prince, Provence, Randolph, Reynolds, Roberts, Saunders, Smith of L. Spruill, Strode, Walker of B. Wilson, Winston of DeK. and Wynn.

Mr Rice moved to recommit the report with the following instructions:

Resolved, That the report be recommitted to the committee on the State Bank, with instructions to report a bill, providing that all debtors to the State Bank and Branches, be treated alike, either by extending the same indulgence to those who borrowed money from the banks in 1840, as is given by the relief law of the last session, to former debtors, or else by repealing all laws on the subject of bank extensions.

Be it further resolved, That all laws to conform to the spirit of the constitution should be uniform in their character, and extend to every citizen equality of rights and impose equality of burthens, and that any law or laws extending indulgence to one portion of the citizens and refusing the same indulgence to others, is partial, unjust, and in violation of the spirit of the constitution.

Mr Douglass moved the previous question.

Upon a question of order, Mr Speaker decided the main question to be, to concur in the report; from which decision,

Mr Rice appealed, and the decision of the Speaker was sustained. Yeas 68—Nays 6. The yeas and nays were demanded.

Those who voted in the affirmative, are Messrs Adams, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Blount, Bowen, Bradley, Cobb, Davenport, Davidson, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hollinger, Houston, Hunter, Hutchinson, Inge, Jemison, Jones, Kelly, Kidd, Little, Mallard, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Moores, Morris, Murphy, Norris, Peguese, Peterson, Prince, Provence, Randolph, Reynolds, Saunders, Seawell, Simmons, Smith of J. Smith of L. Spruill, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. and Wynn.

Those who voted in the negative, are Messrs Adrian, Fitzpatrick, Hughs, Perkins, Rice, and Stone.

The question was to concur in the report of the committee, and carried Yeas 67—Nays 17. The yeas and nays being demanded.

Those who voted in the affirmative, are Messrs Speaker, Adams, Alexander, Ashurst, Baker, Barron, Bell, Blackshear, Blount, Bowen, Bradley, Cobb, Davenport, Davidson, Davis of A. Davis of L. Dixon, Doster, Douglass, Fowler, Griffin of M. Hale, Hollinger, Houston, Hunter, Inge, Jemison, Jones, Kelly, King, Little, Mallard, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Moores, Morris, Murphy, Norris, Peterson, Prince, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Seawell, Simmons, Smith of L. Spruill, Strode, Walker of B. Walker of L. Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are Messrs Adrian, Blair, Campbell, Davis of B. Fitzpatrick, Garrett, Griffin of S. Hall, Hughs, Kidd, Mangum, McGill, Peguese, Smith of J. Stone, Wann, and Williams.

A message from the Senate by Mr Hill, their Secretary.

Mr Speaker—The Senate has passed a bill of the following title, which originated in the House of Representatives:

An act to establish the permanent seat of justice for the county of Russell: amended as therein shown.

The Senate has also passed a bill which originated in the Senate, entitled,

An act for the relief of Alexander B. Puryear, of Monroe county.

The Senate has adopted the following resolution, viz:

Resolved by the Senate, That the House of Representatives be respectfully requested to return to the Senate their resolution to adjourn on the nineteenth of this instant.

In which the concurrence of the House of Representatives is requested.

Mr Strode moved that the House now adjourn until Monday morning ten o'clock; which was lost. Yeas 41—Nays 45. The yeas and nays being demanded.

Those who voted in the affirmative, are Messrs. Speaker, Adams, Alexander, Ashurst, Blair, Blount, Campbell, Davenport, Davis of L. Fitzpatrick, Garrett, Griffin of S. Hale, Houston, Inge, King, Little, Mallard, Mann, McClanahan, McLemore, McMillion of J. Mitchell, Moore of Mad. Moores, Morris, Murphy, Perkins, Prince, Provence, Reynolds, Roberts, Saunders, Seawell, Smith of L. Stone, Strode, Walker of L. Williams, Winston of S. and Womack.

Those who voted in the negative, are Messrs. Adrian, Baker, Barron, Bates, Bell, Blackshear, Bowen, Bradley, Cobb, Davidson, Davis of A. Davis of B. Dixon, Doster, Douglass, Fowler, Griffin of M. Hall, Hughs, Hunter, Hutchinson, Jemison, Jones, Kelly, Kidd, Mangum, Marchbanks, McCullough, McGill, McMillion of B. Moore of Marion, Norris, Peguese, Peterson, Pynes, Randolph, Rice, Simmons, Smith of J. Spruill, Walker of B. Wann, Wilson, Winston of DeK. and Wynn.

Ordered, that the House concur in the amendments made by the Senate to the bill to establish the permanent seat of justice for the county of Russell.

A message from the Senate by Mr Hill, their Secretary.

Mr Speaker—The Senate has passed bills of the following titles, to wit:

A bill to be entitled, an act to incorporate Midway academy, in the county of Macon:

A bill to be entitled, an act to incorporate the Warrenton male and female academy, in the county of Dallas:

A bill to be entitled, an act to incorporate a female academy in the town of Marion, Perry county:

A bill to be entitled, an act to authorize the tax collector for the county of Monroe to receive jury certificates in payment of taxes due said county:

A bill to be entitled, an act to fix the salary of the solicitor of the tenth judicial circuit:

A bill to be entitled, an act to compensate Jefferson Buford for sending express with despatches in relation to State services to General Wellborn.

Which originated in the Senate, in which the concurrence of the House of Representatives is requested.

The bill from the Senate to compensate Alexander B. Puryear, of Monroe county, was read a first, second, and third time forthwith and passed. Ordered that the title be as aforesaid. Ordered, that the clerk acquaint the Senate therewith.

Mr Bates moved that the House adjourn until Monday morning ten o'clock; which was lost. Yeas 27—Nays 51. The yeas and nays being demanded.

Those who voted in the affirmative, are Messrs Speaker, Alexander, Bates, Bell, Blair, Davenport, Davidson, Doster, Fitzpatrick, Griffin of S. Houston, Hunter, Inge, Jones, King, Little, Mangum, Mann, McAlpin, McGill, Moore of Madison, Moores, Murphy, Perkins, Rice, Strode, and Williams.

Those who voted in the negative, are Messrs Adams, Adrian, Baker, Barron, Blackshear, Bowen, Bradley, Campbell, Cobb, Crenshaw, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of M. Hale, Hall, Hughs, Hutchinson, Jemison, Kelly, Kidd, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mar. Norris, Peguese, Peterson, Prince, Randolph, Reynolds, Roberts, Saunders, Seawell, Simmons, Smith of J. Smith of L. Spruill, Stone, Walker of B. Walker of L. Wann, Wilson, Wiston of DeK. and Wynn.

Mr Bates moved a call of the House; which was lost.

Mr Bates moved to lay on the table the resolution from the Senate requesting the House of Representatives to return to the Senate the resolution to adjourn on the nineteenth instant; which was lost.

Mr Bates moved to postpone the further consideration of the resolution until Tuesday next; which was lost. Yeas 18—Nays 64. The yeas and nays being demanded.

Those who voted in the affirmative, are Messrs Bates, Bell, Campbell, Davis of B. Hall, Hunter, Hutchinson, Inge, Mangum, Mann, McAlpin, McGill, Mitchell, Moore of Mar. Murphy, Norris, Seawell, and Winston of S.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Alexander, Baker, Barron, Blackshear, Blair, Bowen, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Houston, Hughs, Jemison, Jones, Kelly, Kidd, King, Langdon, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moores, Norwood, Peguese, Perkins, Peterson, Prince, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode

Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Womack and Wynn.

The resolution was then concurred in.

Mr Houston moved that the House adjourn until ten o'clock on Monday next.

Upon a question of order, Mr Baker in the chair.

Mr Bates asked leave to change his vote on the question to adjourn until ten o'clock on Monday next.

The chair decided that Mr Bates had no right to change his vote, unless made through mistake.

From which decision Mr Bates appealed and the chair was sustained. Yeas 63—Nays 12. The yeas and nays being demanded.

Those who voted in the affirmative, are Messrs Speaker, Adrian, Alexander, Bell, Blackshear, Blair, Cobb, Davenport, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fttzpatrick, Fowler, Griffin of *M.* Griffin of S. Hale, Houston, Hughs, Hunter, Jemison, Jones, Kelly, Kidd, King, Langdon, Little, Mangum, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Mar. Moores, Morris, Norris, Norwood, Peguese; Peterson, Prince, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Simmons, Smith of J. Smith of L. Spruill, Stone, Walker of B. Walker of L. Wann, Winston of S. Womack and Wynn.

Those who voted in the negative, are Messrs Barron, Bates, Bowen, Bradley, Campbell, Crenshaw, Doster, Hall, Hollinger, Inge, Mann, and McGill.

Mr Houston moved that the House adjourn until ten o'clock on Monday next; which was carried. Yeas 52—Nays 34. The yeas and nays being demanded.

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Baker, Bates, Bell, Blackshear, Blair, Bradley, Davenport, Davidson, Davis of B. Davis of L, Doster, Douglass, Griffin of M. Griffin of S. Houston, Hunter, Jones, Kelly, King, Langdon, Little, Mangum, Mallard, Mann, McAlpin, Mitchell, Moore of Mad. Moores, Morris, Murphy, Perkins, Prince, Provence, Reynolds, Roberts, Saunders, Smith of J. Smith L. Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Womack, and Wynn.

Those who voted in the negative, are Messrs Barron, Bowen, Campbell, Cobb, Crenshaw, Davis of A. Dixon, Fowler, Hale, Hall, Hollinger, Hughs, Hutchinson, Inge, Jemison, Kidd, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Moore of Mar. Norris, Norwood, Peguese, Peterson, Pynes, Randolph, Rice, Seawell, Simmons, and Spruill.

And then the House adjourned.

MONDAY, December 14, 1840.

The House met pursuant to adjournment.

Accounts were presented by Messrs Wynn, Mitchell, Mann, Griffin of M. and Morris; which were severally read and referred to the committee on accounts.

Mr Hall presented the petition of sundry citizens of Baldwin county; which was read and referred to the committee on the judiciary.

Mr Hall presented the petition of sundry citizens of Baldwin county; which was referred to a select committee, consisting of Messrs Hall, Little, and Mann.

Mr Mangum presented a communication, which was read and referred to the committee on the judiciary.

Mr Stone presented the petition of sundry citizens of Tallapoosa county; which was read and referred to the delegations from Tallapoosa and Macon counties.

Mr Young presented the memorial of the members of the Greensborough Lyceum; which was read and referred to the delegation from Greene county.

Mr Moore of Mar. presented the petition of sundry citizens of Marion county; which was read and ordered to lie on the table.

Mr Mallard introduced a bill to incorporate the town of Jasper in the county of Walker; which was read the first and second time forthwith, and ordered to be engrossed for a third reading.

Mr Bell from the select committee to which was referred a bill to attach a part of the county of Butler, to the county of Conecuh, reported the same without amendment. It was ordered to be engrossed for a third reading.

Mr Griffin of M. presented the petition of sundry citizens of Marshall county; which was read and referred to the committee on roads, bridges and ferries.

Mr Wann, from the select committee, to which was referred the memorial of certain citizens of Jackson county, reported a bill for the relief of Cynthia Anderson; which was read and ordered to a second reading.

Mr Bates introduced a bill to repeal so much of the law now in force as relates to the time when cattle and sheep are to be strayed; which was read and ordered to a second reading.

Mr Moore of Mad. from the committee on the State Bank, made the following report.

The committee on the State Bank and branches, to which was referred a preamble and resolution, instructing them to inquire into the expediency of passing a law imposing again a State tax on the people, with leave to report by bill or otherwise, have had the same under consideration, and have instructed me to report, that while they are constrained to say it was doubtful, if not bad policy, to throw the entire burden of the expenses of the government, upon our banks by abolishing a State tax, yet it having been done by a previous Legislature, at a time when the country was in a much more prosperous condition than it is at the present time, they would respectfully report that this subject is one of great interest to the people, and that it would be inexpedient to impose the said tax without consulting the wishes of the people, as upon them the burden of the tax, and the liability of the banks, must ultimately rest; which report was concurred in.

Mr Moore of Mad. from the same committee, to which was referred a resolution instructing them to inquire into the expediency of freeing the State Bank and Branches from the burden of defraying the expenses of the State Government, and of aiding the sixteenth section schools, for and during the next two years, reported that it would be inexpedient to legislate on the subject.

Mr Moore of Mad. moved to lay the report and resolution on the table; which was lost.

Mr Mann moved to concur in the report.

Mr Roberts moved to postpone the further consideration of the same until Monday next; which was lost.

The question then recurred on Mr Mann's motion to concur in the report; which was carried. Yeas 70—Nays 15. The yeas and nays being demanded.

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Ashurst, Baker, Bell, Blackshear, Blair, Bowen, Bradley, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davis of A. Davis of B. Davis of L, Dixon, Doster, Douglass, Fitzpatrick, Garrett, Griffin of M. Griffin of S. Hale. Hall, Hill, Hollinger, Houston, Hughs, Hutchinson, Inge, Kelly, Kidd, King, Mallard, Mann, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Moore of Marion, Morris, Norris, Norwood, Peguese, Peterson, Prince, Provence, Pynes, Randolph, Reynolds, Rice, Saunders, Shanks, Simmons, Smith of J. Smith of L. Stone, Strode, Walker of B. Wann, Williams, Wilson, Winston of DeK. Womack and Wynn.

Those who voted in the negative, are Messrs Hunter, Jemison, Langdon, Little, McAlpin, McCoy, Mitchell, Moore of Mad. Moores, Murphy ,Perkins, Roberts, Spruill, Winston of S. and Young.

Mr Hall, from the select committee, to which was referred the petition of Ethelbert Brantley, reported a bill to change the name of William Tell Dean of the county of Baldwin, to that of William Tell Brantley. It was read the first and second time forthwith, and ordered to be engrossed for a third reading.

Mr Saunders, from the committee on the judiciary, to which was referred an engrossed bill to provide for the election of sheriffs in certain cases, reported the same back to the House with sundry amendments; which was read and the amendments concurred in. The bill as amended, was read the third time and passed. Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for its concurrence.

Mr McMillion of B. from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit:

An act making appropriations for the payment of certain claims against the State:

An act to attach a part of Morgan county to the county of Marshall;

An act to compel county treasurers to make a full and explicit exhibit of the finances of their respective counties, in each and every year:

An act to authorize the tax collectors of the counties of Marshall, Chambers and Talladega, to receive jury certificates in payment of taxes due said counties: and,

A joint resolution in relation to the Supreme Court decisions.

Bills of the following titles, to wit:

To incorporate Midway Academy in the county of Macon:

To incorporate the Warrenton male and female academy, in the county of Dallas:

To incorporate a female academy in the town of Marion, Perry county:

To authorize the tax collector for the county of Monroe, to receive jury certificates in payment for taxes due said county:

To fix the salary of the solicitor of the tenth judicial circuit:

To compensate Jefferson Buford for sending express with dispatches, in relation to State service to General Wellborn:

Were severally read and ordered to a second reading:

Mr Saunders offered a joint resolution on the subject of protective duties; which was read and ordered to a second reading.

Mr Morris moved to take from the table the bill to abolish and establish certain election precincts therein named; which was carried.

Mr Campbell moved to amend the bill by an additional section.

Mr Hall moved to amend Mr Campbell's amendment; which was carried. The amendment as amended; was adopted.

Mr Rice moved to amend by adding "one at the house of Garrett Johnson, and one at the house of James Armstrong, in the county of Talladega;' which was adopted.

Mr Garrett moved to amend the bill by adding an additional section; which was adopted.

Mr Adrian moved to amend the bill by an additional section; which was adopted.

Mr Stone moved to amend the bill by an additional section; which was adopted.

The bill as amended was ordered to be engrossed for a third reading.

The engrossed bill to incorporate the Centenary Institutute of the Alabama Annual Conference, of the Methodist Episcopal Church, in the county of Dallas, was read the third time and passed. Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Griffin of S. from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

An act to require the judges of the county courts of Shelby and Butler counties to reside at or within three miles of the court house.

An act to amend an act to incorporate the town of Columbiana, in the county of Shelby, approved; 5th December, 1837.

Mr Bates introduced a bill to extend the time for the collection of the county school and road tax in the county of Mobile, for the year 1840; which was read the first, second and third time forthwith, considered as engrossed and passed. Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Clemens offered the following resolution:

Resolved, That with the consent of the Senate, the two Houses will assemble in the Hall of the House of Representatives, this day at twelve o'clock, noon, for the purpose of going into the election of a solicitor for the fifth judicial circuit, and a judge of the county court of Tallapoosa county, and a commissioner for the board of internal improvement for the Choctawhatchie river: also, a judge of the the tenth judicial circuit:

A message from the Senate by Mr Hill, their Secretary:

Mr Speaker—The Senate has passed bills of the following titles, which originated in the House of Representatives:

An act permanently to locate the seat of justice of Marshall county:

An act for the relief of Benjamin C. Lansdale, of the county of Henry:

And, also, bills of the following titles, which originated in the Senate:

An act for the relief of William Taylor and Abner McGehee:

An act to amend the law in relation to sales at auction in the city and county of Mobile:

An act to ascertain and fix permanently the line between the counties of Madison and Jackson:

An act for the benefit of the sixteenth section, township two, range six west, in Limestone county:

And, an act for the relief of James R. Powell.

In which the concurrence of the House of Representatives is respectfully requested.

The House again resolved itself into a committee of the whole House, on the bill from the Senate to establish a State Prison and Penitentiary—Mr Baker in the chair.

After some time spent in the consideration of the same, the committee rose, Mr Speaker resumed the chair, and leave was asked to sit again; which was granted.

The House then adjourned until three o'clock, this evening.

AFTERNOON SESSION, three o'clock.

Mr Mann moved a call of the House, when the following members answered to their names:

Messrs Adams, Alexander, Baker, Barron, Bates, Blount, Bowen, Bradley, Cobb, Crenshaw, Davidson, Davis of A. Davis of B. Dixon, Doster, Douglass, Fowler, Griffin of M. Griffin of S. Hall, Hill, Houston, Hutchinson, Inge, Jemison, Jones, Kelly, Little, Mangum, Mallard, Mann, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Morris, Norris, Peguese, Peterson, Prince, Provence, Pynes, Randolph, Reynolds, Rice, Saunders, Smith of J. Smith of L. Spruill, Strode, Walker of L. Wann, Williams, Wilson, Winston of DeK. and Womack.

Ordered, that the absentees be excused.

Ordered, that Mr Peters have leave cf absence.

Mr Mitchell, from the committee on enrolled bills, reported as correctly enrolled,

An act more permanently to locate the seat of justice for the county of Monroe:

An act for the relief of Alexander B. Puryear, of Monroe county:

An act to establish the permanent seat of justice for the county of Russell.

The bill for the further prevention of frauds being under consideration,

Ordered, that the further consideration of the same be postponed until three o'clock, to-morrow.

The bills from the Senate,

For the relief of Mary Howell:

To change the time of holding courts for the second judicial circuit:

Were severally read the third time and passed. Ordered, that the titles be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The engrossed bills,

To declare the west prong of Choctawhatcie river a public highway:

To provide for the payment of grand and petit jurors of Dale and Wilcox counties.

In relation to bonds given by the officers of the Bank of the State of Alabama and its Branches:

To regulate the practice in the courts of chancery in this State:

Were severally read the third time and passed. Ordered, that the titles be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

The engrossed bill to repeal in part an act, approved, December 23, 1837, entitled an act better to regulate the taxing of pedlers and shows, being under consideration,

Mr Smith moved to amend the bill by way of engrossed ryder.

Mr Hale moved to amend the amendment proposed by Mr Smith; which was lost.

Mr Hale moved the previous question; which was sustained.

The bill was then read the third time and passed. Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

The engrossed bill to alter and amend the law respecting dower, was read the third time and passed. Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

The bill to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county, was read the second time and ordered to be engrossed for a third reading.

The bill to repeal two acts therein named, so far as they apply to the counties of Marion, DeKalb and Tallapoosa, being under consideration,

Mr Adams moved to amend the bill by adding Marshall county.

Mr Morris moved that the bill be indefinitely postponed, which was carried. Yeas 73—Nays 10. The yeas and nays being demanded.

Those who voted in the affirmative, are Messrs Alexander, Ashurst, Baker, Barron, Bates, Bell, Blackshear, Blair, Bowen, Bradley, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Douglass, Fitzpatrick, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hutchinson, Inge, Jones, Kelly, Kidd, Langdon, Little, Mangum, Mallard, Mann, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. Mitchell, Moore of Mad. Moore of Marion, Morris, Murphy, Norris, Peguese, Prince, Pynes, Randolph, Saunders, Seawell, Shanks, Simmons, Smith of J. Smith of L. Spruill, Walker of B. Walker of L. Wann, Williams, Womack, Wynn and Young.

Those who voted in the negative, are Messrs Adams, Adrian, Blount, Hughs, Perkins, Reynolds, Roberts, Stone, Wilson and Winston of D.

The bill for the benefit of plaintiffs by garnishment, was read and referred to the committee on the judiciary.

The joint resolution authorizing the President and Directors of the Bank of the State of Alabama, to employ such number of clerks as may be necessary for the correction of the errors in the books of the Bank, being under consideration,

Mr Cobb moved that the resolution be indefinitely postponed; which was lost. Yeas 38—Nays 49. The yeas and nays being demanded.

Those who voted in the affirmative, are Messrs Adams, Alexander, Ashurst, Baker, Bates, Bell, Blount, Bradley, Cobb, Crenshaw, Doster, Douglass, Fowler, Griffin of M. Griffin of S. Hall, Hollinger, Hutchinson, Inge, Kidd, Little, Mangum, Mann, McAlpin, McClanahan, McCoy, Moore of Marion, Murphy, Norris, Peterson, Prince, Shanks, Simmons, Stone, Wann, Wilson, Winston of DeK. and Young.

Those who voted in the negative, are Messrs Adrian, Barron, Blackshear, Blair, Bowen, Campbell, Clemens, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Fitzpatrick, Hale, Hill, Houston, Hughs, Hunter, Jemison, Jones, Kelly, Langdon, Mallard, Marchbanks, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of Madison, Moores, Morris, Perkins, Pynes, Randolph, Reynolds, Roberts, Saunders, Seawell, Smith of J. Smith of L. Spruill, Walker of B. Williams, Winston of S. Womack and Wynn.

The resolutions were ordered to be engrossed for a third reading.

Mr McMillion of B. from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit:

An act to change the time of holding the county court of Lauderdale county:

An act to authorize and compel the tax collector for the county of Covington to receive in payment of taxes for said county, jury tickets for services rendered in the circuit and county courts, and for other purposes:

An act to limit the session of the circuit court to three weeks, in the county of Talladega:

An act to authorize the election of an assessor and tax collector for the county of De Kalb:

An act for the relief of the citizens of Deer Head Cove, in the county of De Kalb:

An act to regulate taxation for the county of Henry:

An act to authorize the election of an assessor and tax collector for the county of Cherokee.

The bill to form a company beat in the county of Marshall, being under consideration,

The House adjourned until to-morrow morning, ten o'clock.

TUESDAY MORNING, Dec. 15, 1840.

The House met pursuant to adjournment.

Mr Clemens called Mr Reynolds to the chair.

Mr Moore of Madison laid before the House, a communication from the Speaker, which is as follows:

TUSCALOOSA, December 15th, 1840.

Gentlemen of the House of Representatives of the State of Alabama:

Permit me through the instrumentality of my friend and colleague, Doctor David Moore, to say to you that the extreme indisposition under which I at this time labour, admonishes me of my inability to further attend to the discharge of the duties assigned me by your partiality. In taking leave of you, gentlemen, as the presiding officer of your honorable body, permit me to tender to you individually and collectively, my grateful acknowledgments for your confidence and kindness. Next to the pleasure derived from a conscientious discharge of my duty impartially, is that derived from a retrospective view of the kind support which I have received, from every member of your honorable body, even amidst the conflicts of high party excitement. In tendering to you, my resignation as Speaker of the House of Representatives, solely on account of ill health, I will not deny myself the hope and pleasing reflection, that it may be allotted to me, again to mingle with you in your labors as a member, as soon as my health will permit.

I remain gentlemen, with great respect, your ob't. humble servant.

SAM'L. WALKER,
Speaker of the House of Representatives.

Mr Young introduced the following resolution:

Resolved, unanimously, by the House of Representatives, That we have learned with regret, that the Hon. Samuel Walker, from indisposition, has resigned the station of Speaker of this body, and tender to him the thanks of this

House, for his gentlemanly and dignified deportment, during the period of his presiding over the House, and assure him of our high regard and esteem.

The resolution was unanimously adopted.

The House then proceeded to the election of Speaker, to fill the vacancy occasioned by the resignation of the Hon. Samuel Walker—Mr Robert A. Baker alone being in nomination.

Those who voted for Mr **Baker**, are Messrs Adams, Adrian, Alexander, Barron, Bates, Bell, Blackshear, Blair, Blount, Bowen, Bradley, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Garrett, Griffin of M. Griffin of S. Hall, Hill, Hollinger, Houston, Hughs, Hunter, Hutchinson, Inge, Jemison, Jones, Kelly, Kidd, King, Langdon, Little, Mangum, Mallard, Mann, Marchbanks, McAlpin, McClannahan, McCoy, McCullough, McGill, McMillion of B., McMillion of J. Mitchell, Moore of Mad., Moore of *M*arion, Moores, Morris, Murphy, Norris, Peguese, Peterson, Prince, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Seawell, Shanks, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L., Wann, Williams, Wilson, Winston of DeK. Winston of S., Womack, Wynn and Young—89.

Mr. Baker having received the whole number of votes given, Mr Chairman declared him duly and constitutionally elected Speaker of the House of Representatives for the remainder of the session. He was conducted to the chair by Messrs Moore of mad. and Cobb. He made his acknowledgments to the House for the honor conferred; was qualified, and entered upon the discharge of the duties of his office.

On motion of Mr Moore of Mad.

Resolved, That the Senate be informed of the election of Robert A. Baker as Speaker of the House of Representatives.

Ordered, that the clerk acquaint the Senate therewith.

Ordered, that the clerk acquaint the Governor with the election of Robert A. Baker as Speaker of the House of Representatives.

Mr Barron presented the petition of sundry citizens of Perry county, which was read and laid upon the table.

Mr Blount presented the petition of sundry citizens of Tuscaloosa county, which was read and referred to the committee on roads, bridges and ferries.

Mr Alexander presented a petition for the relief of Terry Bradley, which was read and referred to the committee on propositions and grievances.

Mr Alexander presented a petition for the relief of Wm. M. Kirley and George W. Morton, which was read and referred to the committee on inland navigation.

Mr Blair presented the petitition of A. S. Justice, which was referred to the committee on inland navigation.

Mr Inge from the committee on propositions and grievances, to which was referred the petition of James Humphreys of Blount county, reported that it is inexpedient to grant the prayer of the petitioner.

Mr Fowler moved to lay the report on the table, which was lost.

It was then concurred in.

Mr Inge from the same committee, to which was referred the bill requiring the clerk of the county court of Randolph county to issue license to retailers of spirits in vacation of said court, reported that it is inexpedient to pass said bill.

Mr Barron moved to lay it on the table, which was carried.

Mr Inge from the same committee, to which was referred the petition of the commissioners of township twenty one, range five, reported unfavorably to the prayer of the petitioners; in which report the House concurred.

Mr Hill from the committee on accounts, to which was referred the account of Paul Robbins, reported that it is not properly authenticated; and asked leave to be discharged from its further consideration. Ordered, that the report lie on the table.

Mr Rice from the committee on propositions and grievances, to which was referred the memorial of certain citizens of Talladega county, reported a preamble and joint resolution, which was read a first time and ordered to a second reading.

Mr Morris from the committee on divorce and alimony, to which was referred the record of the chancery court of Huntsville, divorcing John Shanor from Angelina Shanor, reported a bill to divorce John Shanor from Angelina Shanor. It was read the first time and ordered to a second reading.

Mr McMillion of B. from the committee on enrolled bills, reported as correctly enrolled bills of the following titles, to wit:

An act to authorize the tax collector and clerk of the county court of Tallapoosa county, to receive in payment of public dues, certain certificates therein named:

An act to change the time of holding the August term of the commissioners' court of roads and revenue, in the county of Henry:

An act to incorporate a male and female academy at the town of McDonald, in the county of Randolph, Alabama:

An act for the benefit of the Alabama Fencibles:

An act to repeal the fifth section of an act to incorporate the town of Fredonia, in Chambers county, approved February 4, 1840:

An act to attach a part of the county of Wilcox to the county of Butler:

An act regulating sales by sheriff of the county of Bibb.

Mr Speaker laid before the House a communication from the cashier of the Branch of the Bank of the State of Alabama at Decatur, which was read and referred to the committee on accounts.

Message from the Senate by Mr Hill, their secretary:

Mr Speaker—The Senate has passed a bill to be entitled an act to authorize the Bank of the State of Alabama and the several branches thereof, to purchase property at their own sales.

And have also, unanimously adopted a preamble and joint resolutions of the General Assembly of the State of Alabama, responsive to certain resolutions of the State of Connecticut, in favor of the protective policy, in which the concurrence of the House of Representatives is requested.

Mr Saunders from the judiciary committee, to which was referred a resolution inquiring into the expediency of amending the law in relation to licensing physicians, reported a bill to provide for the recording of the diplomas and licenses of practising physicians, which was read and ordered to a second reading.

The bill from the Senate, to authorize the Bank of the State of Alabama and the several branches thereof, to purchase property at their own sales, was read and ordered to a second reading.

The preamble and joint resolutions of the General Assembly of the State of

Alabama, responsive to certain resolutions of the State of Connecticut in favor of the protective policy, from the Senate, being under consideration,

Mr Saunders moved that it be referred to a select committee; which was lost.

Mr Saunders moved sundry amendments to the resolutions.

Mr Saunders' amendments being under consideration,

Mr Speaker laid before the House, a communication from the President of the University of the State of Alabama, which was read and laid on the table.

The House again resolved itself into a committee of whole house on the bill from the Senate to establish a State prison and penitentiary—Mr Young in the chair.

After some time spent in the consideration of the same, the committee rose, Mr Speaker resumed the chair, and leave was asked for the committee to sit again; which was granted.

The House then adjourned until three o'clock.

AFTERNOON SESSION, 3 o'clock.

The House met pursuant to adjournment.

A message from the Governor by J. D. Bagby:

Sir—I have the honor to inform the House of Representatives, that a vacancy has occurred in the office of judge of the county court of Tallapoosa county, by the resignation of the Hon. Irvine Lawson, late judge of said court.

(Signed) A. P. BAGBY.

To the Hon. R. A. BAKER, Speaker of the House of Representatives.

Which was read and ordered to lie on the table.

A message from the Governor, by J. D. Bagby:

EXECUTIVE DEPARTMENT,
December 15, 1840.

Sir—In obedience to a resolution of the Board of Trustees, unanimously adopted, I have the honor to invite you and the members of the body over which you preside, to attend the commencement exercises at the University of Alabama, to-morrow at eleven o'clock, A. M.

A. P. BAGBY,
President of the Board of Trustees.

To the Hon. R. A. BAKER, Speaker of the House of Representatives.

Which was read and ordered to lie on the table.

Ordered, that Messrs Adams and Simmons be added to the committee on inland navigation.

The bill for the further prevention of frauds being under consideration,

Mr Rice moved that the bill be indefinitely postponed; which was lost.

Ordered, that the same be re-committed to the committee on the judiciary.

The House again resolved itself into a committee of the whole house, on the bill from the Senate, to establish a State prison and penitentiary—Mr Young in the chair.

After some time spent in the consideration of the same, the committee rose, and Mr Speaker resumed the chair, and leave was asked for the committee to sit again; which was granted.

The bills,

To form a company beat in the county of Marshall, and for other purposes:

To divorce Almond Saunderson from his wife Susan Saunderson:

To amend an act for locating the seat of justice of Washington county, and for other purposes:

To incorporate the town of Eutaw, in Greene county:

To incorporporate the Tipton male and female academy:

Were severally read the second time and ordered to be engrossed for a third reading.

The bills from the Senate,

For the benefit of the sixteenth section, township two, range six west, in Limestone county:

For the relief of James R. Powell:

For the relief of William Taylor and Abner McGehee:

To amend the law in relation to sales at auction, in the city and county of Mobile:

To ascertain and fix permanently, the line between the counties of Madison and Jackson:

Were severally read and ordered to a second reading.

The engrossed bills,

To abolish and establish certain election precincts therein named:

To incorporate the town of Jasper, in the county of Walker:

To authorize the same individual to hold the offices of clerk of the circuit and county courts of Marion county:

To attach a part of the county Butler to the county of Conecuh:

To extend the time for the collection of the county, school and road tax, in the county of Moble, for the year 1840.

To change the name of William Tell Dean, and for other purposes:

Were severally read the third time and passed. Ordered, that the titles be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

The joint resolutions of the joint examining bank committee, were read the third time and rejected—Yeas 20—nays 54. The yeas and nays being demanded.

Those who voted in the affirmative, are Messrs Adrian, Blair, Bowen, Clemens, Davidson, Davis of B. Hale. Houston, Jones, Langdon, McMillion of J. Moore of *M*ad. Moores, Perkins, Randolph, Smith of L. Spruill, Walker of B. Williams and Winston of S.

Those who voted in the negative. are Messrs Speaker, Alexander, Barron, Bates, Bell, Blackshear, Blount, Bradley, Campbell, Cobb. Crenshaw. Davenport, Davis of A. Dixon, Doster, Douglass, Fowler, Griffin of *M*. Griffin of S. Hall, Hill, Hollinger, Hughs, Hutchinson, Inge, Kelly, Little, Mangum, Mallard, Mann, Marchbanks, McClanahan, McCoy, *M*cCullough, *M*cGill, *M*cMillion of B. Moore of *M*arion, Murphy, Norris, Peguese, Peterson, Pynes, Roberts. Shanks, Simmons, Smith of J. Stone, Strode, Wann, Wilson, Winston of De K. Womack, Wynn and Young.

The bill to compensate James N. Haden being under consideration,

Mr Moores moved that the bill be referred to the committee on accounts; which was carried.

Mr Crenshaw moved a reconsideration of the bill to attach a part of the county of Butler to the county of Conecuh; which was carried.

Mr Crenshaw moved to amend the bill by of engrossed ryder, by inserting the word 'west' in the place of 'east,' and the words, 'and long' after the word 'creek,' where it occurs in said bill; which was carried.

The bill to authorize Seth Lowe and William Wellborn, to erect a wharf on the Chattahoochie river, was read a second time and ordered to be engrossed for a third reading.

Joint resolution proposing an amendment to the constitution of the State of Alabama, being under consideration,

Mr Moores moved that it be referred to the committee on the judiciary; which was carried.

Mr Mann moved to reconsider the vote refering the joint resolution to the committee on the judiciary; which was carried. Yeas 39—Nays 33. The yeas and nays being demanded.

Those who voted in the affirmative, are Messrs Adrian, Bates, Bell, Blackshear, Blair, Blount, Bowen, Bradley, Davis of A. Dixon, Doster, Grffin of M. Griffin of S. Hale, Hall, Hughs, Hunter, Hutchinson, Jones, Kelly, Langdon, Mann, McCoy, Moores, Morris, Norris, Peguese, Pynes, Randolph, Roberts, Shanks, Simmons, Stone, Walker of B. Wann, Williams, Wilson, Winston of DeK, and Womack.

Those who voted in the negative, are Messrs Spaaker, Alexander, Barron, Clemens, Cobb, Crenshaw, Davenport, Douglass, Fowler, Hill, Houston, Inge, Little, Mallard, Marchbanks, McClanhan, McCullough, McGill, McMillion of B. Mitchell, Moore of Madison, Moore of Marion, Perkins, Peterson, Reynolds, Saunders, Smith of J. Smith of L. Spruill, Strode, Winston of S. Wynn and Young,

The question then recurred on ordering them to be engrossed for a third reading; which was lost. Yeas 40—Nays 40. The yeas and nays, being desired.

Those who voted in the affirmative, are Messrs Adrian, Bates, Bell, Blackshear, Blair, Bowen, Campbell, Crenshaw, Davis of A. Davis of B. Dixon, Doster, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Hughs, Hunter; Hutchinson, Kelly, Langdon, Mangum, Mann, McCoy, Norris, Peguese, Pynes, Rice, Roberts, Shanks, Simmons, Stone, Walker of B. Williams, Wilson, Winston of DeK. and Womack-

Those who voted in the negative, are Messrs Speaker, Alexander, Barron, Blount, Bradley, Clemens, Cobb, Davenport, Davidson, Douglass, Fowler, Houston, Inge, Jones, Little, Mallard, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell Moore of Mad. Moore of Marion, Moores, Murphy, Perkins, Peterson, Randolph, Reynolds, Saunders, Smith of J. Smith of L. Spruill, Strode, Wann, Winston, of S. Wynn and Young.

The bill to incorporate a volunteer troop of cavalry in Perry county, to be called the Cane Brake Blues, being under consideration,

Mr McClanahan moved that it be referred to the military committee; which was lost.

Ordered, that the same be referred to a select committee consisting of Messrs Barron, Bradley, and Walker of B.; which was carried.

The bill for the further prevention of crimes, being under consideration.

Mr Murphy moved to refer the same to the committee on the judiciary; which was carried.

The bill to alter and amend the laws in relation to public millers, was read and laid on the table.

Mr Crenshaw moved to suspend the order of the day for the purpose of introducing the following resolution:

Resolved, That when this House adjourn's, it adjourn to meet again on

Thursday at ten o'clock, so that the members may attend the commencement exercises at the University, on to-morrow.

Which was carried. Yeas 49—Nays 38. The yeas and nays being demanded.

Those who voted in the affirmative, are Messrs Speaker, Bell, Blair, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fowler, Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hunter, Hutchinson, Inge, Jones, Langdon, Mangum, Mallard, Mann, McClanahan, McCoy, McCullough, Moore of Mad. Moores, Morris, Murphy, Perkins, Randolph, Reynolds, Rice, Roberts, Saunders, Shanks, Strode, Walker of B. Walker of L. Williams, Wynn, and Young.

Those who voted in the negative, are Messrs Adrian, Alexander, Barron, Bates, Blackshear, Bowen, Cobb, Davis of A. Dixon, Douglass, Griffin of M. Hughs, Kelly, Little, Marchbanks, McGill, *M*cMillion of B. Norris, Peguese, Peterson, Pynes, Simmons, Smith of J. Smith of L. Spruill, Stone, Wann, Wilson, Winston of DeK. Winston of S. and Womack.

Mr Clemens moved that the House adjourn until Thursday morning ten o'clock; which was carried. Yeas 42—Nays 38. The yeas and nays being demanded.

Those who voted in the affirmative, are Messrs Bell, Blair, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Fowler, Griffin of S. Hill, Houston, Hunter, Inge, Jones, Langdon, Mangum, Mann, McCoy, McCullough, Mitchell, Moore of Madison, Moores, Morris, Murphy, Perkins, Randolph, Reynolds, Rice, Roberts, Saunders, Shanks, Smith of J. Strode, Walker of B. Walker of L. Wynn, and Young.

Those who voted in the negative, are Messrs Speaker, Adrian, Alexander, Barron, Bates, Blackshear, Bowen, Cobb, Davis of A. Dixon, Douglass, Griffin of M. Hale, Hall, Hollinger, Hughs, Hutchinson, Kelly, Little, Mallard, Marchbanks, McClanahan, McGill, McMillion of B. Norris, Peguese, Peterson, Pynes, Simmons, Smith of L. Spruill, Stone, Wann, Williams, Wilson, Winston of DeK. Winston of S. and Womack.

The House then adjourned.

THURSDAY, December 17, 1840.

The House met pursuant to adjournment.

Accounts were presented by Messrs Wynn, Inge, Hill, McMillion, of B. and Fitzpatrick; which were severally read and referred to the committee on accounts.

Mr McMillion of B. presented the petition of sundry citizens of Blount county; which was read and referred to a committee consisting of the delegation from Blount county.

Mr Fitzpatrick presented the petition of sundry citizens of Macon county; which was read and referred to a committee consisting of the delegations from Macon and Russell counties.

Mr Wynn from the committee on roads, bridges, and ferries, to which was referred petitions from sundry citizens of Greene county, praying for a change in the State road leading from Daniel's prairie by Springfield to Tuscaloosa, have likewise had referred to them a counter petition of sundry citizens of Tuscaloosa county, upon the same subject; reported that it is inexpedient to legislate upon the subject.

Mr Wynn moved to lay the report upon the table; which was carried.

A message from the Senate by Mr Gordon, their Assistant Secretary.

Mr Speaker—The Senate has passed bills of the following titles, to wit:

An act making appropriations for the payment of certain claims against the State:

An act to authorize Henry Hunter of Dallas county to erect a gate or gates upon that part of the public road which runs through his land opposite the town of Lexington in said county, and for other purposes, amended as therein shown; which originated in the House.

An act to establish and abolish certain election precincts therein named:

An act to authorize the Florence Bridge Company to establish rules:

An act to alter the time of holding the circuit courts of the first judicial circuit; which originated in the Senate.

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House of Representatives on the seventeenth instant, at twelve o'clock, for the purpose of electing a printer for the State for the year, from the sixteenth day of Jannary next, when the time for which the present incumbents were elected, will expire.

In which the concurrence of the House is requested.

A message from the Governor by Mr Garrett:

Mr Speaker—I am instructed by his Excellency, the Governor, to inform your honorable body that he has approved and signed bills of the following titles, to wit:

A bill to entitled, an act to amend an act to incorporate the town of Columbiana, in the county of Shelby, approved December 5th, 1839.

An act requiring the judge of the county courts of Shelby and Butler, to reside at or within three miles of the court house:

An act to establish the permanent seat of justice for the county of Russell:

An act to authorize the tax collectors of the counties of Marshall, Chambers, and Tallapoosa to receive jury certificates, in payment of taxes due said counties:

Joint resolutions in relation to supreme court decisions:

An act to compel county treasurers to make a full exhibit of the finance of their respective counties, in each and every year:

An act to attach a part of the county of Morgan to the county of Marshall: and

An act making appropriations for the payment of certain claims against the State:

All of which originated in the House.

Mr Prince from the select committee to which was referred the bill to be entitled, an act to incorporate the Factor's cotton press and ware house, of the city of Mobile, reported the same back to the House, and recommend its passage, with the following amendments, strike out the third section, and in lieu thereof, insert the following:

'Sec. 3. *Be it further enacted,* That the said corporation shall have power to own such real estate, as may be necessary for the erection of warehouses and cotton presses: *Provided,* the same shall not exceed in value, the capital stock of said corporation, and shall have power to sell and convey the same as they may think proper.'

Which was adopted.

Mr Morris moved the following amendment by way of engrossed ryder:

'*Be it enacted*, That the corporate powers conferred by this act, shall not extend beyond the term of fifteen years from its passage.'

Which was adopted.

Mr Jemison moved further to amend the bill by way of engrossed ryder, as follows:

'*Be it further enacted*, That all present and future stockholders in said company, shall be liable in their individual capacity for all their contracts made by said company: *And provided, further*, that said company shall never charge more than ——— cents for storage and compressing, per bale, at any time.'

The same being under consideration, the House resolved itself into a committee of the whole House, on the bill from the Senate to establish a State prison and penitentiary; Mr Young in the chair, and after some time spent in the consideration of the same, the committee rose; Mr Speaker resumed the chair, and leave was asked to sit again at twelve o'clock to-morrow; which was granted.

Ordered, that Messrs Morris and Stone be added to the committee on the judiciary.

The House then adjourned until three o'clock.

AFTERNOON SESSION, three o'clock.

The House met pursuant to adjournment.

Mr Norwood moved a call of the House, when the following members appeared and answered to their names:

Messrs Adams, Adrian, Alexander, Barron, Bell, Blackshear, Blair, Bowen, Bradley, Cobb, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Flemming, Fowler, Griffin of M. Hale, Hall, Houston, Kidd, Mann, Marchbanks, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Morris, Norris, Norwood, Peguese, Pynes, Rice, Saunders, Shanks, Simmons, Smith of J. Smith of L. Spruill, Walker of B. Wanr, Williams, Wilson, Winston of De K. Womack, and Wynn.

Mr Wynn moved that the absent members be excused: which was lost.

James Russell, the member elect from the county of Jackson, appeared, was qualified, and took his seat.

Mr Winston of DeK. moved to suspend the orders of the day for the purpose of introducing a resolution; which was lost.

The House then proceeded to the consideration of the orders of the day.

The joint preamble and resolution from the Senate of the General Assembly of the State of Alabama, responsive to certain resolutions of the State of Connecticut in favor of the protective policy, being under consideration.

Mr Saunders asked leave to withdraw his amendment to the resolutions; which was granted.

The question was then upon the adoption of the resolutions; which was carried unanimously. Yeas 82—Nays none. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blackshear, Blair, Bowen, Bradley, Campbell, Clemens, Cobb, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Flemming, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hughs, Hunter, Hutchinson, Inge, Jones, Kelly, Kidd, Little, Mangum, Mallaru, Mann, Marchbanks, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Murphy, Norris, Norwood, Peguese, Peterson, Prince, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Shanks, Simmons, Smith of J. Smith of L. Spruill, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Womack, Wynn, and Young.

Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

Mr Moore of Mar. moved to suspend the orders of the day for the purpose of introducing the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will adjourn *sine die* on Thursday, the 24th instant.

Mr McClanahan moved to lay the resolution on the table; which was lost. Yeas 36—Nays 47. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Blair, Clemens, Davenport, Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Griffin of S. Hale, Hill, Houston, Hughs, Jemison, Kelly, Langdon, Mallard, McClanahan, McCoy, McMillion of B. McMillion of J. Mitchell, Moore of Madison, Morris, Prince, Reynolds, Rice, Russell, Saunders, Smith of J. Strode, Walker of B. Walker of L. Wann, and Wynn.

Those who voted in the negative, are Messrs Barron, Bates, Bell, Blackshear, Bowen, Bradley, Campbell, Cobb, Crenshaw, Doster, Flemming, Griffin of M. Hall, Hollinger, Hunter, Hutchinson, Inge, Jones, Kidd, Little, Mangum, Mann, Marchbanks, McCullough, McGill, McLemore, Moore of Marion, Moores, Murphy, Norris, Norwood, Peguese, Peterson, Pynes, Roberts, Seawell, Shanks, Simmons, Smith of L. Spruill, Williams, Wilson, Winston of DeK. Winston of S. and Womack.

Mr Winston of DeK. moved to amend the resolution by striking out '24th' with the view to insert the '31st' instant.

A division of the question being called for. the vote was first taken on striking out; which was carried. Yeas 54—Nays 31. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Bradley, Clemens, Cobb, Davenport, Davis of A. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Griffin of M. Griffin of S. Hale, Hill, Houston, Hughs, Inge, Jemison, Jones, Kelly, Langdon, Mallard, McClanahan, McCoy, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Morris, Murphy, Peguese, Prince, Pynes, Reynolds, Rice, Roberts, Russell, Smith of J. Smith of L. Spruill, Strode, Wann, Williams, Wilson, Winston of DeK. Wynn, and Young.

Those who voted in the negative, are Messrs Barron, Bates, Bell, Bowen, Campbell, Crenshaw, Davis of B. Flemming, Hall, Hollinger, Hunter, Hutchinson, Kidd, Little, Mangum, Mann, Marchbanks, McCullough, McGill, McLemore, Moore of Marion, Moores, Norris, Norwood, Peterson, Saunders, Seawell, Shanks, Simmons, Walker of L. Winston of S. and Womack.

Upon a question of order;

A motion was made by Mr Winston of DeK, to strike out '24th' and insert '31st,' a division was called for first, on striking out; which was decided in the affirmative.

Mr Speaker decided that the latter branch of the motion to be in order for amendment; from which decision. Mr Moore of Mar. took an appeal, and the chair was sustained.

Mr Jemison moved that the House adjourn until to-morrow morning ten o'clock. Motion to adjourn withdrawn.

Mr Speaker decided that a motion to adjourn before the latter clause of the resolution of Mr Moore of Mar. was disposed of, was out of order.

From which decision Mr Jemison appealed, and the Speaker was, not sustained. Yeas 22—Nays 58. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Adrian, Alexander, Blair, Bowen, Cobb, Douglass, Fitzpatrick, Fowler, Hale, Kelly, Marchbanks, McMillion of B. Moore of Marion, Russell, Seawell, Simmons, Stone, Wann, Williams, Winston of DeK. and Winston of S.

Those who voted in the negative, are Messrs Adams, Barron, Bates, Bell, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davis of A. Davis of B. Doster, Flemming, Griffin of M. Griffin of S. Hall, Hill, Hollinger, Houston, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Little, Mangum, Mallard, McClanahan, McCullough, McGill, McMillion of J. Mitchell, Moores Morris, Murphy, Norris, Norwood, Peterson, Perkins, Peguese, Prince, Provence, Pynes, Reynolds, Rice, Roberts, Shanks, Smith of J. Spruill, Strode, Walker of B. Wilson, Womack, Wynn, and Young.

Mr Reynolds moved to postpone the further consideration of the resolution until the second day of January next.

Mr Rice moved to adjourn until ten o'clock to-morrow; which was lost.

Mr Winston of S. moved to adjourn until twelve o'clock to-night; which was lost.

The question then recurred on the motion of Mr Reynolds to postpone the further consideration of the resolution until the second day of January next, and was decided in the affirmative. Yeas 44—Nays 42. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Blair, Clemens, Davenport, Davis of L. Dixon, Douglass, Fitzpatrick, Griffin of S. Hale, Hill, Houston, Hughs, Inge, Jemison, Kelly, Langdon, McClanahan, McCoy, McCullough, McMillion of J. Mitchell, Moore of Mad. Morris, Murphy, Perkins, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Spruill, Strode, Walker of B. Wann, Winston of S. and Wynn.

Those who voted in the negative, are Messrs Barron, Bell, Bowen, Bradley, Campbell, Cobb, Crenshaw, Davis of A. Davis of B. Doster, Flemming, Fowler, Griffin of M. Hall, Hollinger, Hunter, Hutchinson, Jones, Kidd, Little, Mangum, Mallard, Mann, Marchbanks, McGill, McMillion of B. Moore of Marion, Moores, Norris, Norwood, Peguese, Peterson, Prince, Provence, Shanks, Simmons, Stone, Williams, Wilson, Winston of De K. Womack and Young.

Mr Inge moved to adjourn until ten o'clock, to-morrow; which was carried. Yeas 47—Nays 34. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Blair, Bowen, Campbell, Clemens, Davenport, Davis of A. Davis of B. Davis of L. Doster, Flemming, Griffin of S. Hutchinson, Inge, Jemison, Jones, Langdon, Little, Mangum, Mallard, McClanahan, McCullough, McGill, Moore of Mar. Moores, Morris, Murphy, Perkins, Prince, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Smith of J. Smith of L. Strode, Wilson, Winston of DeK. Winston of S. Womack, Wynn and Young.

Those who voted in the negative, are Messrs Speaker, Barron, Bates, Bell, Blackshear, Bradley, Cobb, Crenshaw, Douglass, Fowler, Griffin of M. Hale, Hall, Hill, Hollinger, Hughs, Hunter, Kelly, Kidd, Marchbanks, McMillion of B. McMillion of J. Mitchell, Moore of Madison, Norris, Norwood, Peterson, Provence, Seawell, Spruill, Stone, Walker of B. Wann, and Williams.

The House then adjourned.

FRIDAY, December 18, 1840.

The House met pursuant to adjournment.

Accounts were presented by Messrs McLemore and Moore of Madison, which were severally read and referred to the committee on accounts.

Mr Wynn offered a joint resolution in relation to the public arms, which was read the first and second time forthwith.

Mr Perkins moved to amend, by inserting 'under the care of the Quarter Master General;' which was lost.

Mr Jemison moved that the same be referred to a select committee; which was carried.

Whereupon, Messrs Jemison, Wynn and Alexander, were appointed said committee.

Mr Rice presented the memorial of J. Ford of Talladega county, which was read and referred to the delegation from Talladega county.

Mr Morris presented the petition of sundry citizens of the city of Wetumpka, which was read and referred to the committee on propositions and grievances.

Ordered, that Mr Blount have leave of absence for a few days.

Mr Moores from the committee on education, to which was referred several bills and resolutions in relation to sixteenth sections, reported a bill to be entitled an act to amend, revise, and compile the school laws of this State.

Mr Saunders moved to postpone the further consideration of the same until Tuesday next, and to make it the special order of the day for that day, which was carried.

A bill making appropriations for the payment of certain claims against the State, as amended by the Senate, was read and the amendment concurred in.

Ordered, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Hill, their secretary:

Mr Speaker—The Senate has passed bills of the following titles, to wit:

An act for the improvement of the navigation of the Alabama river:

An act to establish an additional precinct in Tallapoosa county:

An act to reduce the trustees of the University, and to make the judges of the supreme court *ex officio* members of the board:

An act concerning a certain turnpike road therein named:

An act in relation to the commissioners court of Talladega county:

An act to improve the navigation of the Cahawba river:

An act to secure a homestead to every family within this State:

An act to change the county lines of Pickens and Tuscaloosa, so as to include Miles A. Davidson in the county of Tuscaloosa:

An act in relation to descents, and for other purposes:

Which originated in the Senate.

The Senate has also passed the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House, on Friday the 18th instant, at the hour of half after twelve o'clock, P. M. to elect a solicitor for the fifth judicial circuit; also, a judge of the county court of Talapoosa county, and judge of the tenth judicial circuit.

The Senate has also concurred in the amendments made by the House of Representatives to the bill entitled an act for the relief of —— Howell, and

The bill entitled an act to alter and amend the law respecting dower.

A message from the Senate by Mr Gordon, their assistant secretary:

Mr Speaker—The Senate has adopted the following resolution, to wit:

Resolved, With the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House, at the hour of seven o'clock, P. M of this day, the eighteenth instant, for the purpose of electing a president and six directors, for the branch of the Bank of the State of Alabama, at Mobile.

In which the concurrence of the House of Representatives is respectfully requested.

Mr B. A. Philpott has been appointed assistant and engrossing secretary of the Senate.

Which was read and laid on the table.

The bill to authorize Henry Hunter of Dallas county, to erect a gate or gates upon that part of the public road which runs through his land, opposite the town of Lexington, in said county, and for other purposes, as amended by the Senate.

The House disagree to the amendment made by the Senate to said bill. Yeas 26—Nays 40. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Alexander, Barron, Cobb, Crenshaw, Davidson, Davis of L. Fitzpatrick, Hill, King, Langdon, Marchbanks, McClanahan, McMillion of B. Mitchell, Moore of Mar. Norris, Norwood, Rice, Russell, Smith of J. Walker of L. Wann, Williams, Wilson and Womack.

Those who voted in the negative, are Messrs Adrian, Bates, Bell, Blackshear, Blair, Bowen, Broughton, Campbell, Davenport, Davis of A. Davis of B. Doster, Douglass, Flemming, Hall, Hollinger, Houston, Hunter, Inge, Jemison, Jones, Kidd, Little, Mann, McCoy, McCullough, McGill, McLemore Moore of Mad. Morris, Murphy, Prince, Pynes, Reynolds, Seawell, Simmons, Stone, Winston of S. Wynn and Young.

Mr McMillion of B. from the committee on enrolled bills, reported as correctly enrolled,

An act to alter and amend the law respecting dower:

An act for the relief of Mary Howell.

Mr Griffin of S. from the same committee, reported as correctly enrolled,

An act to change the time of holding the circuit courts of the second judicial circuit:

Which originated in the Senate.

The House again resolved itself into a committee of the whole, on the bill from the Senate to establish a State prison and penitentiary—Mr Walker of L. in the chair.

Mr Rice moved that the committee be now discharged from the further consideration of the subject; which was carried.

Whereupon, the committee rose, Mr Speaker resumed the chair, and leave was asked for the committee to be discharged from the further consideration of the subject; which was granted.

Mr Rice moved that the same be postponed until Monday next, and made the special order for that day; which was carried.

The bills from the Senate to be entitled,

An act to establish and abolish certain election precincts therein named:

An act to authorize the directors of the Florence Bridge company to establish rules:

An act to alter the time of holding the circuit courts in the first judicial circuit:

An act for the improvement of the navigation of the Alabama river:

An act to establish an additional precinct in Tallapoosa county:

An act to reduce the number of Trustees of the University, and to make the judges of the supreme court *ex officio* members of the board:

An act concerning a certain turnpike road therein:

An act in relation to the commissioners of Talladega county:

An act to improve the navigation of the Cahawba river:

An act to secure a homestead for every family in the State:

An act to change the county lines of Pickens and Tuscaloosa, so as to include Miles A. Davidson, in the county of Tuscaloosa:

An act in relation to discents and other purposes:

Were severally read the first time and ordered to a second reading.

The resolution from the Senate, proposing that the two Houses assemble in the Hall of the House of Representatives, on Friday, the 18th inst. at the hour of half after twelve o'clock, P. M. to elect a solicitor for the fifth judicial circuit: also, a judge of the county court of Tallapoosa county, and a judge of the tenth judicial circuit, being under consideration,

Mr Bates moved to strike out 'half past twelve,' for the purpose of inserting 'four,' in lieu thereof.

A division being called for, the question was first taken on striking out; which was carried.

The question then recurred on filling the blank with 'four;' which was carried.

The resolution from the Senate proposing to go into the election of President and Directors of the Branch of the Bank of the State of Alabama, at Mobile, being under consideration, it was read and ordered to lie on the table.

The engrossed bills to be entitled,

An act to amend an act for locating the seat of justice of Washington county, and for other purposes:

An act to amend an act to authorize Seth Lore and William Wellborn to erect a wharf on the Chattahoochie river, in the town of Irwinton, Barbour county, approved, December 23, 1837:

An act to incorporate the Tipton male and female academy:

An act to divorce Almond Saunderson from his wife Susan Saunderson:

An act to form a company beat in the county of Marshall, and for other purposes:

An act to incorporate the town of Eutaw, in Greene county:

Were severally read the third time and passed. Ordered, that their titles be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Mitchell, from the committee on enrolled bills, reported as correctly enrolled, An act to raise a fund for the payment of jurors for the county of Pike:

An act for the relief of Benjamin C. Lansdale, of the county of Henry:

An act permanently to locate the seat of justice of Marshall county, and for other purposes:

An act to alter the mode of assessing and collecting the taxes for Henry and Dale counties.

The joint resolutions proposing amendments to the constitution, so the judges of the superior courts shall be elected in each county, over which they preside, in the same manner as commissioners of roads and revenue are elected, being under consideration,

Mr Bates moved that it lie on the table; which was carried.

The bill for the payment of tickets of grand and petit jurors in the county of Jackson, being under consideration,

Mr Hale moved to insert 'Cherokee' after the word 'Jackson,' where it occurs in said bill; which was carried.

Mr Smith of J. moved to amend by an additional section; which was carried.

The bill was then ordered to be engrossed for a third reading.

The bills to authorize two or more school districts in different townships to form a common school, and for other purposes: and

For the relief of La Grange college:

Were severally referred to the committee on education.

The bill to be entitled an act to change the time of holding the county court of Marengo county, was read and ordered to be engrossed for a third reading.

Mr Inge called up the bill to amend and alter the laws in relation to public millers. It was then placed among the orders of the day.

The joint resolution proposing a change of the present mode of electing directors for the Bank of the State of Alabama and its several branches, being under consideration,

Mr Little moved that they be indefiditely postponed; which was carried. Yeas 61—Nays 11. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blair, Bowen, Broughton, Clemens, Cobb, Crenshaw, Davenport, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Flemming, Fowler, Griffin of *M.* Hale, Hall, Hollinger, Houston, Hughs, Hunter, Inge, Jemison, Kelly, Kidd, King, Langdon, Little, Mangum, Marchbanks, McCoy, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of *Mad.* Moores, Norris, Norwood, Perkins, Peterson, Provence, Pynes, Reynolds, Rice, Shanks, Simmons, Smith of J. Spruill, Williams, Wilson and Womack.

Those who voted in the negative, are Messrs Adams, Bradley, Hill, Jones, McClanahan, Moore of Marion, Morris, Russell, Walker of B. Winston of DeK. and Wynn.

The House then adjourned until three o'clock.

Afternoon Session, three o'clock.

The House met pursuant to adjournment.

Mr Spruill moved a call of the House, when the following members answered to their names:

Messrs Adams, Alexander, Barron, Blackshear, Blair, Bowen, Bradley, Campbell, Cobb, Crenshaw, Davis of A. Davis of B. Davis of L. Doster, Douglass, Flemming, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hill, Houston, Hughs, Jemison, Kelly, Mallard, Mann, Marchbanks, McClanahan, *Mc*Coy, McGill, *Mc*Million of B. McMillion of J. Moore of Mad. *M*oore of Marion, Morris, Norris, Norwood, Peguese, Peterson, Pynes, Roberts, Shanks, Simmons, Smith of J. Smith of L. Spruill, Walker of B. Williams, Wilson, Winston ot DeK. Wynn and Young.

The bill to be entitled an act for the relief of Elijah Dodson, was read and referred to the committee on propositions and grievances.

Mr Fitzpatrick, from the select committee, to which was referred the petition of sundry citizens of Macon county, asking further compensation to be allowed to the assessor and tax collector for said county, reported a bill to compensate the tax collector of Macon county, which was read and ordered to a second reading.

The bill giving to the President and Directors of the Florence Bridge company power to ordain and establish rules and regulations for the security of said bridge, was read and referred to a select committee, consisting of Messrs Douglass, Winston of DeK. and Smith of L.

The bill to be entitled an act for re-covering of the State Capital, and for other purposes, being under consideration,

Mr Shanks moved that it be indefinitely postponed.

A message was received from the Governor, by James D. Bagby, which is as follows:

Mr Speaker—I am instructed by the Governor to inform your honorable body, that he has approved and signed bills of the following titles, to wit:

An act to incorporate a male and female academy in the town of McDonald, in the county of Randolph:

An act to attach a part of the county of Wilcox to the county of Butler:

An act to regulate taxation for the county of Henry:

An act to regulate sales of sheriffs of the county of Bibb:

An act for the benefit of the Alabama Fencibles:

An act to repeal the fifth section of an act to incorporate the town of Fredonia, in Chambers county, approved Feb. 4th, 1840.

An act to authorize the election of an assessor and tax collector for the county of Cherokee:

An act to change the time of holding the court court of the county of Lauderdale:

All of which originated in the House of Representatives.

Message from the Senate by Mr Hill, their secretary:

Mr Speaker—The Senate has concurred in the amendment made by the House to their resolution to go into the election of a solicitor of the fifth judicial circuit; a judge of the county court of Tallapoosa county, and a judge of the tenth judicial circuit, this evening at four o'clock.

Mr Young from the select committee to which was referred a memorial praying an act of incorporation for the Greensborough Lyceum, reported a bill to incorporate the Greensborough Lyceum, which was read the first and second time forthwith, and referred to the delegation from Greene county.

On motion of Mr Clemens,

Resolved, That the Senate be now invited into the hall of the House of Representatives for the purpose of going into the election of a solicitor for the fifth judicial circuit, a judge of the county court of Tallapoosa county, and a judge of the tenth judicial circuit.

The Senate having repaired to the hall of the House of Representatives and taken their seats, the two houses then proceeded to the election of a Solicitor for the fifth judicial circuit, WILLIAM ACKLEN alone being in nomination.

Those who voted for Mr ACKLEN, are Messrs President, Alston, Andress, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, King, Lea, Lloyd, McAllister, McConnell, McVay, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack, of the Senate; Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Bowen, Bradley, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hutchinson, Hughs, Hunter, Inge, Jemison, Jones, Kelly, Kidd, Langdon, Little, Mangum, Mallard, Mann, Marchbanks, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of MAD. Moore of MARION, Moores, Morris, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Province, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Shanks, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of D. Winston of S. Womack, Wynn and Young, of the House.

Mr ACKLEN having received one hundred and twenty six votes, the whole number given, Mr Speaker declared him duly and constitutionally elected solicitor of the fifth judicial circuit.

The two houses then proceeded to the election of a judge of the county court of Tallapoosa county, Mr. SOLOMON HEYDENFELDT, alone being in nomination:

Those who voted for Mr HEYDENFELDT, are Messrs President, Alston, Andress, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womock, of the Senate; Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Bowen, Bradley, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L.Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hughs, Hunter, Hutchinson, Inge, Jemison, Jones, Kelly, Kidd, King, Langdon, Little, Mangum, Mallard, Mann, Marchbanks, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Moores, Morris, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Provence, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Shanks, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Wann, Williams, Wilson, Winston of DeK. Winston of S. Womack, Wynn and Young, of the House of Representatives.

Mr HEYDENFELDT having received one hundred ard twenty five votes, the whole number given, Mr Speaker declared him duly and constitutionally elected judge of the county court of Tallapoosa county.

The two houses then proceeded to the election of a judge of the tenth judicial circuit, WILLIAM HALE and EDWARD S. DARGAN, being in nomination:

Those who voted for Mr HALE are, Messrs Clarke, Creagh, Farrar, Hudson, Lloyd, McAllister, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F.

and Wilson of J. of the Senate; Messrs Adams, Adrian, Alexander, Clemens, Cobb, Davis of L., Douglass, Fowler, Hale, Hill, Houston, Hughs, Kelly, Mallard, Marchbanks, McCullough, McMillion of B., McMillion of J., Moore of Madison, Moore of Marion, Reynolds, Roberts, Russell, Saunders, Smith of J. Stone, Wann, Wilson, Winston of S. and Wynn, of the House of Representatives.

Those who voted for Mr DARGAN, are Messrs President, Alston, Andress, Buford, Dailey, Dent, Hall, King, Lea, McConnell, Oliver, Phillips, Reese, Ross, Thornton, and Womack, of the Senate; Messrs Speaker, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davenport, Davidson, Davis of A., Davis of B., Dixon, Doster, Fitzpatrick, Flemming, Garrett, Griffin of M., Griffin of S., Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, King, Langdon, Little, Mangum, Mann, McClanahan, McCoy, McGill, McLemore, Mitchell, Moores, Morris, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Provence, Pynes, Rice, Seawell, Shanks, Simmons, Smith of L., Spruill, Strode, Walker of B., Walker of L., Williams, Winston of DeK., Womack and Young, of the House of Representatives.

Mr DARGAN having received a majority of the votes given, Mr Speaker declared him duly and constitutionally elected judge of the tenth judicial circuit, for the ensuing six years.

The Senate then withdrew.

The House then resumed the consideration of the motion made by Mr Shanks to postpone indefinitely, the bill for re-covering the State Capi.ol, and other purposes, which was lost.

Yeas 42—Nays 52. The yeas and nays being demanded:

Those who voted in the affirmative, are Messrs Adams, Adrian, Ashurst, Bell, Blackshear, Blair, Bowen, Broughton, Campbell, Crenshaw, Davis of A. Davis of L. Dixon, Doster, Fitzpatrick, Flemming, Garrett, Griffin of M. Griffin of S. Hale, Hill, Hollinger, Hughs, Hutchinson, Kelly, Kidd, Mann, Moore of Marion, Morris, Norris, Norwood, Peguese, Pynes, Rice, Roberts, Shanks. Simmons, Stone, Walker of B. Wilson, Winston of DeK. and Womack.

Those who voted in the negative, are Messrs Speaker, Alexander, Barron, Bradley, Clemens, Cobb, Davenport, Davidson, Davis of B. Douglass, Fowler, Hall, Houston, Hunter, Inge, Jemison, Jones, King, Langdon, Little, Mangum, Mallard, Marchbanks, McClanahan, McCoy, McCullough, McGill, M'Lemore, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moores, Murphy, Perkins, Peterson, Prince, Provence, Reynolds, Russell, Saunders, Seawell, Smith of J. Smith of L. Spruill, Strode, Walker of L. Wann, Williams, Winston of S. Wynn, and Young.

The bill was then referred to a select committee, consisting of Messrs Jemison, Spruill and Smith of J.

Mr Davenport called up the resolution in relation the Branch of the Bank of the State of Alabama at Mobile, which was referred to the delegations from Perry and Marengo counties.

The bills of the following titles to wit:

An act to elect an additional justice of the peace in the county of Sumter:

An act to incorporate the town of Elyton in Jefferson county and for other purposes:

An act for the relief of Charles A. Hoppin of the county of Mobile:

An act to amend an act entitled an act to incorporate the town of Franklin, in the county of Macon, approved December 23, 1837:

—Were severally read the second time and ordered to be engrossed for a third reading.

The bill to exempt the firemen of the city of Mobile from the performance of military and jury duty, was read and referred to the delegation from Mobile.

The bill to amend the law in relation to camp musters, being under consideration,

Mr Kidd moved that it lie on the table, which was carried.

The bill to explain and amend the laws concerning injunctions, orders, decrees, and other matters in chancery, was read and referred to the judiciary committee.

The engrossed bill from the Senate further to regulate proceedings in chancery in certain cases, was read the second time, and ordered to a third reading.

Mr Barron from the select committee, to which was referred a bill to incorporate a volunteer troop of cavalry in Perry county, to be called the Cane Brake Volunteers, reported the same back to the House with sundry amendments, in which the House concurred. The bill as amended, was read the second time, and ordered to be engrossed for a third reading.

And then the House adjourned until ten o'clock, to-morrow morning.

SATURDAY MORNING, Dec. 19, 1840.

The House met pursuant to adjournment.

Mr Moore of Mad. presented the petition of sundry citizens of Madison county, which was read and referred to the delegation from Madison county.

Mr Moores from the committee on education, to which was referred the petition of sundry citizens of Sumter county, complaining of the misapplication of the funds appropriated to their sixteenth section schools, reported that the laws prescribing the duties of the commissioners are plain and specific, and that said commissioners in distributing the funds given their township avowedly for the purpose of educating the indigent, according to the different branches of learning pursued by the different pupils, and not according to the time each student might be at school, certainly disregarded the acts of the Legislature; but the committee do not believe any additional legislation upon the subject necessary, and asked to be discharged from the further consideration of the petition. In which report, the House concurred.

Mr Moores from the same committee, made the following report:

The committee on education, to which was referred sundry resolutions, in relation to the University of the State of Alabama, beg leave to report as to the inquiry, whether there is not now and has been for some time past, a vacancy in the professorship of modern languages, and whether a professor of modern languages is not much needed in said University? That there is and has been for some time, a vacancy in the professorship of modern languages, and in the opinion of the committee, the interest and prosperity of the University would be promoted and subserved, if the trustees would fill the vacancy by a man distinguished for his attainments as a man of learning, and whose reputation as a teacher of the modern languages, is high and established. In addition to the above, the committee believe that the trustees have a high and important responsibility resting upon them in their connexion with our University; and that the community anxiously look to them, to fill the different vacant chairs with men whose reputation for science and intellectual attainments are of the highest order. In which report the House concurred. Ordered, that a copy of the same be sent to the board of trustees.

Mr Bates from the committee on the State Bank and branches, to which was referred a bill to amend the charters of the Bank of Mobile, and the Merchants and Planters Bank of Mobile, reported the same back to the House, amended by striking out the second section. In which report the House concurred. The bill as amended, was read and ordered to be engrossed for a third reading.

Mr Moore of Mad. from the committee on the State Bank and branches, to which was referred the bill to establish a branch of the State Bank of Alabama, at the town of Irwinton in the county of Barbour, reported that they have examined the claims of Irwinton with the numerous petitions in its favor submitted to their consideration, and while they are of opinion that it would be inexpedient to establish additional branches at the present time, they have no doubt but Irwinton's claims, when properly examined, will bear a just comparison with any place heretofore named; but they have instructed me to report, that it would be inexpedient to establish any additional branch at the present time, from the present condition of our State Bank and branches.

On motion of Mr Mann, said report was referred to the delegations from Chambers, Barbour, Russell, Henry, Dale, Pike and Macon counties.

Mr Moore of Mad. from the same committee, to which was referred a bill to repeal a certain act therein named, reported the same back to the House, and that it would be inexpedient to pass said bill. Mr Moore of Mad. moved that the same be indefinitely postponed; which was carried. Yeas 52—Nays 23. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Blackshear, Blair, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Flemming, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jemison, Jones, Kelly, King, Mangum, Mallard, Marchbanks, McClanahan, McCullough, McGill, Mitchell, Moore of mad. Moore of marion, Morris, Provence, Pynes, Reynolds, Rice, Roberts, Saunders, Simmons, Smith of J. Stone, Strode, Walker of L. Walker of M. Williams, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are Messrs. Ashurst, Bell, Bradley, Broughton, Campbell, Doster, Fitzpatrick, Griffin of S. Hall, Hollinger, Hunter, Kidd, Langdon, Little, Mann, McCoy, Moores, Norris, Peguese, Perkins, Peterson, Prince and Womack.

A message from the Senate, by Mr Gordon, their assistant secretary:

Mr Speaker—The Senate has passed a bill of the following title, to wit:

An act authorizing the purchase and distribution of certain books.

The Senate has also passed a preamble and joint resolutions of the General Assembly of Alabama, concerning the late law of New York, extending the right of trial by jury, to fugitive slaves:

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House of Representatives, this day, the 19th instant, at the hour of four o'clock, P. M. for the purpose of going into the election of a judge of the county court for Shelby county.

In which the concurrence of the House is requested.

A message from the Governor, by J. D. Bagby:

Gentlemen of the Senate, and of the House of Representatives:—I beg leave to call the attention of the General Assembly to the existing laws in relation to the election of members of Congress of the United States. It will be recollected that the term for which the members of that body are elected, expires on the fourth of March, and that the general elections in this State, are holden on the first Monday in August thereafter. Hence, in the event of an extra session of Congress between the fourth of March and the first Monday of August, the State of Alabama will be entirely destitute of any representation in the popular branch of the National Legislature. I have therefore felt it to be my duty to present the subject to the notice of the General Assembly, in order that they might make such provisions to guard against a contingency which might occur, as in their judgment may be right and proper.

(Signed) A. P. BAGBY.

Which was read and referred to the committee on privileges and elections.

The bill from the Senate authorizing the purchase and distribution of certain books, was read and ordered to a second reading.

The joint resolutions from the Senate, concerning the law of New York extending the right of trial by jury to fugitive slaves, was read and referred to the judiciary committee.

The resolution from the Senate. proposing that the two Houses assemble in the Hall of the House of Representatives, this day, the 19th instant, at the hour of four o'clock, P. M. for the purpose of going into the election of a judge of the county court for Shelby county; was concurred in. Ordered, that the clerk acquaint the Senate therewith.

Mr Moore of Mad. from the committee on the State Bank and branches, to which was referred the petition of the citizens of township three, range three, of Jackson county, on school matters and school funds, reported that it would be inexpedient to legislate on the subject, at the present time, as they have been informed that the class of cases petitioned for, will be determined by our courts: which will settle the questions of its legality, and govern the banks, when settled, in regard to all such cases. In which report the House concurred.

Mr Moore of Mad. from the same committee, to which was referred a bill to alter and amend an act for the benefit of the settlers on the public lands in the limits of the State of Alabama, approved February 3, 1840, reported the same back to the House, and that it would be inexpedient to pass said bill.

Mr Morris moved the previous question; which was sustained. The bill was then read the second time, and ordered to be engrossed for a third reading.

Mr Mitchell from the committee on inland navigation, to which was referred a bill for the improvement of the navigation of the Black Warrior river from its junction with the Tombeckbee to the city of Tuscaloosa, reported that they have had the same under consideration, and amended the same by filling the blank in the third line of the sixth section, by inserting the words 'three thousand five hundred dollars,' and the blank after the word 'of' in the fourth line, by inserting the following: 'the unexpended balance of the appropriation made in an act entitled an act to establish a board of commissioners for the improvement of the navigation of the Black Warrior river, and for other purposes, approved February 1, 1839,' and as thus amended, have instructed me to recommend its passage. In which the House concurred.

Mr Perkins moved to amend the bill by inserting after the word 'overseers,' in section two, the words 'or let the same out by contract or contracts;' which was adopted. The bill as amended was then read and ordered to be engrossed for a third reading.

Mr Houston moved that five constitute a quorum of the committee on inland navigation; which was agreed to.

Mr Mallard from the committee on inland navigation, to which was referred a bill to amend an act entitled an act to establish a board of commissioners for the improvement of the navigation of the Black Warrior river, and for other purposes, reported a substitute in lieu thereof

Mr Perkins moved to amend by adding to the end of the first section, the following: 'or the commissioners may let out by contract or contracts, under such rules and regulations, as they may adopt.' Which was adopted.

Mr Perkins moved further to amend by striking out the second section of the bill.

The House then adjourned until three o'clock this evening.

EVENING SESSION, three o'clock.

The House met pursuant to adjournment.

Mr Adams moved a call of the House, which was not sustained.

The House resumed the consideration of the amendment offered by Mr Perkins, to the bill to amend the act to establish a board of commissioners for the improvement of the navigation of the Black Warrior river, and for other purposes, approved Feb. 1st, 1839.

The bill was then made the special order of the day for Monday next, at 3 o'clock p. m.

Mr Hill from the committee on accounts and claims, to which was referred the petition of John Carmichael and others, reported the same as inexpedient.

Ordered the said report lie on the table.

Mr Hill from the same committee to which was referred a bill to compensate James N. Haden, reported the same with the following amendment: strike out six hundred and twenty four dollars, and insert four hundred in lieu thereof: in which the House concurred.

The bill as amended was ordered to be engrossed for a third reading.

Mr Hill from the same committee to which was referred the account of Lewis Smith and others, reported the same as not properly chargeable to the State, and asked to be discharged from the further consideration of the same. Ordered the report lie on the table.

Mr Bates introduced a bill to incorporate the Mobile Female Benevolent society, which was read and ordered to a second reading.

Mr Hill from the committee on accounts and claims, to which was referred the account of A. P. Morrow, reported that it is unnecessary to act upon it, inasmuch as the law now provides for the payment of such claims.

The House resumed the consideration of Mr Jemison's amendment to the engrossed bill to incorporate the factor's cotton press and ware house of the city of Mobile.

On motion of Mr Griffin of S.,

Resolved, That the Senate be now invited to assemble in the hall of the House of Representatives, for the purpose of going into the election of a judge of the county court of Shelby county.

Ordered, that the clerk acquaint the Senate therewith.

The Senate having repaired to the hall of the House of Representatives and taken their seats, the two houses proceeded to the election of a judge of the county court of Shelby county, CHARLES R. GIBBS and AEDREW J. STEPHENS being in nomination:

Those who voted for Mr GIBBS, are Messrs Alston, Andress, Buford, King, Lea, Oliver, Phillips, Ross, Thornton, Watrous, and Womack of the senate; Messrs Ashurst, Barron, Bates, Bell, Bowen, Bradley, Broughton, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Dixon, Doster, Fitzpatrick, Flemming, Griffin of s. Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum,

Mann, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Seawell, Shanks, Simmons, Spruill, Womack, and Young, of the House of Representatives.

Those who voted for Mr STEPHENS, are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the senate; Messrs Speaker, Adrian, Alexander, Blackshear, Blair, Clemens, Davis of L. Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, McClanahan, McCullough, McMillion of J. Moore of Mad. Moore of Marion, Morris, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives.

Mr STEPHENS having received amajority of the votes given, Mr Speaker declared him duly and constitutionally elected judge of the county court of Shelby county for the ensuing six years.

The Senate then withdrew, and the House resumed the consideration of Mr Jemison's amendment to the engrossed bill to incorporate the factors cotton press and ware house of the city of Mobile.

Mr Cobb moved that the further consideration of the bill be indefinitely postponed.

Mr Morris moved the previous question, which call was sustained.

The main question was then put, 'Shall this bill pass?' which was determined in the negative, yeas 23—nays 53. The yeas and nays being demanded:

Those who voted in the affirmative, are Messrs Ashurst, Bates, Bell, Bradley, Davenport, Davis of A. Davis of B. Doster, Griffin of S. Hall, Hill, Hollinger, Kidd, Langdon, Little, McCoy, McGill, Moores, Norris, Perkins, Prince, Shanks and Simmons.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Bowen, Clemens, Cobb, Crenshaw, Davis of L. Dixon, Douglass, Fitzpatrick, Flemming, Fowler, Griffin of M. Hale, Houston, Hughs, Hunter, Inge, Jemison, Jones, Kelly, Mangum, Mallard, Marchbanks, McClanahan, McCullough, McMillion of J. Mitchell Moore of Mad. Moore of Marion, Morris, Murphy, Norwood, Provence, Pynes, Reynolds, Russell, Saunders, Seawell, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wann, Williams, Winston of DeK. Winston of S. Womack and Wynn.

Mr Saunders introduced a bill to wind up the Courtland land office, which was read the first time and ordered to a second reading.

Mr Hall introduced a bill to declare Bear creek a public highway, which was read and ordered to a second reading.

The House adjourned until ten o'clock Monday morning.

MONDAY, December 21st, 1840.

The House met pursuant to adjournment.

Accounts were presented by Messrs Moore of Madison and Moores, which were severally read and referred to the committee on accounts.

Mr Hutchinson presented the petition of sundry citizens of Montgomery county, which was read and referred to the committee consisting of the delegation from Montgomery county.

Mr Stone presented the petition of Peter S. Neal, which was read and referred to the committee on accounts.

Mr Smith of J. presented the petition of sundry citizens of Jackson county, which was referred to the delegation from Jackson county.

Mr Flemming presented the petition of sundry citizens of Covington county, which was referred to the committee on county boundaries.

Mr Inge from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of the sixth ward of the city of Wetumpka, reported that it is inexpedient to repeal said act or any part thereof, in which the House concurred.

Mr Inge from the committee on the judiciary, to which was referred the petition of the commissioners of public buildings and others, reported a bill directory to the tax collector of Sumter county, which was read and ordered to a second reading.

Mr Inge from the same committee to which was referred a bill to secure the more speedy collection of debts against incorporated companies, reported a substitute in lieu thereof, which was adopted. It was then read the second time and ordered to be engrossed for a third reading.

Mr Bradley from the committee on county boundaries, to which was referred a bill to repeal in part an act to attach a part of Benton county to Talladega county, and for other purposes, approved December, 1836, with instructions to enquire whether Cherokee county has the territory required by the constitution, reported that from the best information within the reach of the committee, it is their opinion that Cherokee county doesnot contain the amount of territory which the constitution requires.

Mr Hale moved to lay the bill and report on the table; which was carried.

A message from the Governor, by J. D. Bagby:

Mr Speaker: I am instructed by the Governor to inform your honorable body, that he has approved and signed bills of the following titles, to wit:

An act for the relief of the citizens of Deerhead Cove, in the county of De Kalb.

An act for the relief of Benjamin C. Lansdale of the county of Pike:

An act to raise funds for the payment of jurors in the county of Pike:

All of which originated in the House of Representatives.

Mr Moore of Madison, from the committee on the State Bank and Branches, to whom was referred a bill to amend an act entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its Branches, and legalizing the suspension of specie payments of the same, and for other purposes, approved, June 3, 1837, reported that it would be inexpedient to pass the bill.

Mr Jemison moved to amend said bill by inserting after the word 'same,' where it occurs in the first section of said bill, the following: 'to pay up the balance due on any such stock, and receive certificates therefor.'

Mr Jemison moved further to amend by striking out the remainder of said section.

Mr Bates moved to refer the said bill to a select committee; which was carried. Whereupon Messrs Bates, Norris and Jemison, were appointed said committee.

A message from the Senate by Mr Hill, their Secretary:

Mr Speaker—The Senate has passed bills of the following titles, to wit:

An act entitled an act to appoint administrators in certain cases, approved, Februrary 3, 1840, which originated in the House of Representatives:

An act to establish the General Ticket System in elections for Representatives in Congress, from the State of Alabama:

An act to amend an act entitled an act to organize and establish separate courts of chancery, approved the 26th of January, 1839:

Which originated in the Senate.

The Senate has also adopted the report and joint resolution of the Senate and House of Represenatives of the State of Alabama, in General Assembly convened, responsive to certain resolutions of a meeting of the citizens of Georgetown, D. C.; in which the concurrence of the House of Representatives is requested; which was laid on the table.

Mr Davenport, from the select committee, to which was referred certain resolutions in relation to the branch of the Bank of the State of Alabama at Mobile, reported a bill to establish an office of discount and deposite in the town of Demopolis, Marengo county; which was read and ordered to a second reading.

Mr Inge, from the select committee, to which was referred a certain preamble and resolutions, inquiring into the expediency of removing a portion of the banking capital of the Bank of Decatur, to the town of Gainesville, Sumter county, for the purpose of establishing an office of discount and deposite, or a branch bank at that place, as well as the report of the commissioners on the State Bank and branches, reported that they agree with the said commissioners, in that part of the report which says that they fully admit the just claim of the highly respectable counties of Sumter, Pickens, Greene and Marengo, to a more equal participation in banking facilities: but this committee disagree withthe committee on the State Bank and branches, and the conclusions at which they arrive, after admitting the justness of the claim of the above counties to a more equal distribution of our banking facilities, and believe that it is now expedient to remove the branch bank at Decatur, reported a bill to provide for the removal of the branch of the Bank of the State of Alabama, at Decatur, and for other purposes, which was read the first time.

Mr Jemison moved to postpone the further consideration of the same, until Friday next, and that it be made the special order for that day, and that one hundred and thirty-five copies be printed.

A division of the question being called for, it was first taken on the question to postpone; which was carried.

The question then recurred on ordering the same to be printed; which was lost.

Mr Saunders moved to call up the message from the Senate; which was carried.

Mr Griffin of S. from the committee on enrolled bills, reported as correctly enrolled,

An act to authorize the tax collectors and clerks of the several counties in this State, to receive in payment of public dues, certain certificates therein named:

An act making appropriations for the payment of certain claims against the State.

The engrossed bill from the Senate, to establish the general ticket system in elections for Representatives in Congress from the State of Alabama, being under consideration,

Mr Little moved to postpone the further consideration of the same until Monday next, and that it be made the special order of the day for that day, and that one hundred copies thereof be printed.

A division of the question was called for; which was lost. The bill was then ordered to a second reading.

The bill from the Senate to amend an act to organize and establish separate courts of chancery, approved, 26 January, 1839, was read and ordered to a second reading.

The report and joint resolutions responsive to certain resolutions of the citizens of the city of Georgetown, D. C. being under consideration,

Mr Hutchinson moved to lay them on the table; which was carried.

Mr Jemison, from the select committee, to which was referred the bill for the re-covering of the State Capitol, and for other purposes, reported the same with sundry amendments.

Mr Hutchinson moved to lay the bill on the table; which was lost. Yeas 34—Nays 52. The yeas and nays being desired,

Those who voted in the affirmative, are Messrs Adams, Adrian, Bates, Bell, Blackshear, Blair, Bowen, Campbell, Davis of A. Davis of L. Dixon, Doster, Fitzpatrick, Flemming, Griffin of M. Griffin of S. Hale, Hill, Hughs, Hutchinson, Kelly, Kidd, Mann, Morris, Norris, Peguese, Pynes, Rice, Shanks, Walker of B. Wilson, Winston of DeK. and Womack.

Those who voted in the negative, are Messrs Speaker, Alexander, Barron, Bradley, Cobb, Davenport, Davidson, Davis of B. Douglass, Flemming, Fowler, Hall, Houston, Hunter, Inge, Jemison, Jones, King, Langdon, Little, Mallard, Marchbanks, McClanahan, McCoy, McGill, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Moores, Murphy, Perkins, Peterson, Prince, Provence, Reynolds, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Spruill, Strode, Walker of L. Wann, Williams, Winston of S. Wynn and Young.

The amendment made by the committee was then concurred in. The bill was ordered to be engrossed for a third reading.

Mr Jemison, from the select committee, to which was referred joint resolutions in relation to the public arms, reported the same with an amendment, by adding an additional resolution; which was concurred in. The resolution was then ordered to be engrossed for a third reading.

Mr Inge, from the select committee, to which was referred a resolution of the House of Representatives, and the accompanying documents, together with a statement of the Cashier of the Bank of the State of Alabama, reported a joint resolution; which was read and ordered to a second reading.

Mr Moores made the following report:

The committee on education to which was referred a resolution requesting them to inquire whether a division of our University fund was contemplated by the act of Congress, passed March 2d, 1819, donating certain lands for the establishment of a seminary of learning, report, that they do not believe that any division was contemplated; for the words of said act, declare that said land shall be reserved for the use of a seminary of learning, and vested in the Legislature of the State, to be appropriated solely to the use of such seminary, by the said Legislature; and the committee therefore believe, that any division of the University fund, would be in direct violation of the provisions of the act of Congress to which a reference has been made.

The committee have also had under consideration, the other branch of the resolution referred to them, containing the inquiry whether the University has answered satisfactorily the important purposes for which it was designed, and have instructed me to report, that though said University has, to some extent, been retarded in its progress towards extensive usefulness and general popularity, yet the committee see nothing to make them despair; for, they already perceive young gentlemen taking high and respectable stations in society, who have been educated at the University of the State of Alabama; and your committee believe that if the Legislature extends to our State University, that fostering care and attention, which it is its duty to bestow, and which the institution demands at our hands, that the day is not far distant, when the people of Alabama will refer to the University as an institution of which they are proud; and one which will give more dignity and character to our State, than any other within her territory.

Mr Hutchinson moved to lay the report on the table.

The House then proceeded to the orders of the day.

The engrossed bill from the Senate regulating punishments under the penitentiary system, being under consideration,

Ordered, that the House concur in the several amendments made by the committee of the whole House to chapter, number two, viz: amendments number, one, two, three, four and five.

The House disagree to the amendment made to the eleventh section. Yeas 27—Nays 57. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Adrian, Bates, Bell, Bowen, Campbell, Davis of B. Davis of L. Fitzpatrick, Hall, Hollinger, Houston, Hunter, Hutchinson, Jemison, Kidd, Little, Moore of Mad. Murphy, Norris, Perkins, Reynolds, Roberts, Stone, Strode, Wann, Winston of S. Womack and Young.

Those who voted in the negative, are Messrs Speaker, Alexander, Barron, Blackshear, Blair, Broughton, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Dixon, Douglass, Flemming, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hill, Hughs, Inge, Jones, Kelly, King, Langdon, Mallard, Marchbanks, McClanahan, McCoy, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of mar. Moores, Morris, Norwood, Peterson, Provence, Pynes, Rice, Russell, Saunders, Seawell, Shanks, Simmons, Smith of J. Smith of L. Spruill, Walker of B. Walker of L. Wilson, Winston of DeK. and Wynn.

Mr Crenshaw then moved that the further consideration of the bill be postponed until to-morrow; which was lost.

Mr Morris moved that the House adjourned until three o'clock this evening.

And then the House adjourned.

P. M. Session, three o'clock.

The House met pursuant to adjournment.

On motion of Mr McCoy,

Resolved, That the Hall of the House be tendered to the Democratic Convention now assembled in this city, at six o'clock, P. M. from day to day, until they shall get through their business.

The House resumed the consideration of the bill from the Senate, regulating punishments under the penitentiary system.

The House concur in the amendment made in committee of the whole to chapter, number three, viz: amendments, numbers seven, eight, ten and eleven.

The House concur in the amendment, number nine, to said bill. Yeas 58—Nays 25. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Adams, Adrian, Ashurst, Barron, Bates, Bell, Blair, Bradley, Broughton, Campbell, Clemens, Cobb, Davis of A. Davis of B. Davis of L. Dixon, Doster, Flemming, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hollinger, Houston, Hughs, Hutchinson, Jemison, Kidd, King, Langdon, Little, Mangum, Mallard, Mann, McGill, McMillion of B. McMillion of J. Mitchell, Moore of Marion, Norris, Peterson, Provence, Pynes, Reynolds, Russell, Seawell, Shanks. Simmons, Spruill, Stone, Strode, Walker of L. Wann, Williams, Wilson, Winston of DeK. and Young.

Those who voted in the negative, are Messrs Speaker, Alexander, Bowen, Crenshaw, Davenport, Davidson, Douglass, Fitzpatrick, Hill, Inge, Jones, Kelly, McCullough, McLemore, Moote of Mad. Moores, Morris, Norwood, Peguese, Rice, Roberts, Saunders, Smith of J. Smith of L. Womack and Wynn.

Ordered, that the House concur in the several amendments made by the committee to said bill to chapter, number four.

Ordered, that the House concur in the several amendments to chapter, number five, viz: numbers eighteen, nineteen and twenty.

Mr Jemison moved the following amendment to number twenty-one, which is in the following words: 'Or imprisoned in the penitentiary, not less than two years, at the discretion of the jury trying the same;' which was adopted. The amendment as amended, was then adopted.

Ordered, that the House concur in the amendment, number twenty-two, to chapter six and section twenty-third, to said bill.

Mr Rice moved that the further consideration of said bill be postponed until to-morrow, twelve o'clock, and made the special order for that day; which was lost.

Mr Saunders offered the following resolution:

Resolved, That the operation of the thirty-fourth rule be suspended, so far as relates to the criminal code, and that the same shall be taken up by chapters, and the section called by their numbers without reading, the clerk pausing after naming each section, for amendments.

Which lies over one day for consideration.

Mr Hutchinson offered the following resolution:

Resolved, That with the consent of the Senate, the two Houses will meet in the Hall of the House of Representatives, on Tuesday the twenty-second instant, at half past three o'clock, P. M. for the purpose of electing a President and six Directors, for the branch of the Bank of Alabama, at Montgomery.

Mr Morris moved to lay the resolution on the table; which was lost.

The resolution was then adopted.

Mr Rice moved that the House adjourn until to-morrow morning ten o'clock; which was lost. Yeas 30—Nays 42. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Adams, Alexander, Davis of A. Davis of B. Davis of L. Doster, Fowler, Garrett, Grffin of S. Hill, Hutchinson, Kidd, Langdon, Mallard, Mann, McClanahan, McCoy, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moores, Morris, Prince, Pynes, Reynolds, Rice, Roberts, Smith of J. Smith of L. Spruill, Strode, Walker of B. Walker of L. Williams, Wilson, Winston of DeK. Winston of S. Wynn and Young.

Those who voted in the negative, are Messrs Speaker, Adrian, Barron, Bates, Bell, Blackshear, Blair, Bowen, Bradley, Campbell, Cobb, Crenshaw, Davenport, Davidson, Dixon, Douglass, Fitzpatrick, Flemming, Griffin of M. Hale, Hall, Hollinger, Hughs, Hunter, Jemison, Jones, Kelly, King, Little, Marchbanks, McGill, Mitchell, Moore of Marion, Norris, Peterson, Provence, Saunders, Seawell, Shanks, Simmons, Stone and Womack.

Mr Womack introduced a joint resolution as to the mode of electing members to Congress by districts, &c.; which was read and referred to select committee. Whereupon ——— ——— ——— were appointed said committee.

The House then adjourned until to-morrow, ten o'clock, A. M.

TUESDAY, December 22, 1840.

The House met pursuant to adjournment.

Mr Williams presented the petition of sundry citizens of Jackson county; which was read and referred to the judiciary committee.

Mr Inge presented the petition of John Toomy, of Sumter county, in behalf of himself, and the other heirs of John Murphy, deceased; which was read and referred to the judiciary committee.

The report made on yesterday, from the committee on education, by Mr Moores, was read and concurred in.

Mr Walker of B., from the committee on military affairs, to which was referred the petition of sundry citizens of Russell county, reported a bill to authorize the division of beat, number seven, in sixty-fifth regiment, in the county of Russell; which was read and ordered to a second reading.

Mr Douglass, from the select committee, to which was referred a bill for the benefit of the Florence bridge company, reported the same without amendment; which was read and laid on the table.

Mr Rice, from the select committee, to which was referred the memorial of Jesse Ford and others of the county of Talladega, reported a bill to prevent non-residents from destroying the stock ranges in this State; which was read and ordered to a second reading.

Mr Saunders, from the judiciary committee, to which was referred the petition of sundry citizens of Baldwin county, praying a separate patrol law, reported a bill to organize and establish patrol laws for the county of Baldwin; which was read the first and second time forthwith, considered as engrossed, read the third time and passed. Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Moores made the following report:

The select committee, to which was referred a resolution instructing them to inquire into the transactions of the old and present board of commissioners, for the improvement of the Tombeckbee river, have instructed me to report that they have examined with much care and labor, the subject referred to them, and from the testimony before them, which has been ample, have come to the conclusion that the commissioners, in all their transactions, have done what they believe would best promote the interest of the State; and if the progress in removing the obstructions at McGrew's Shoals has not met the expectations of the Legislature, or the community, that the failure is owing more to the novelty of the undertaking, and to our inexperience upon the subject of internal improvement, than from any other cause.

The committee have further directed me to report that their is machinery belonging to the State, on said Tombeckbee river, which unless used, will be lost to the State: And further, that the fund, fomerly appropriated, is nearly exhausted, and not sufficient to complete the work undertaken; and viewing the removal of the obstructions in said river, as a matter of the first importance to a large portion of the planters of South of Alabama, and reported a bill to appropriate five thousand dollars for the continuation of the improvement on the Tombeckbee river; which was read and ordered to a second reading.

Mr Walker of L. from the committee on the State Bank and branches, to which was referred a bill to be entitled an act in relation to the protest of notes, and the remedy of securities to notes payable to the State Bank and branches, reported the same without amendment. It was then read and ordered to be engrossed for a third reading.

Mr Hill, from the committee on accounts and claims, to which was referred the account of Mathies E. Garey, sheriff of Sumter county, reported the same as not properly authenticated.

Mr Inge moved to lay the report on the table; which was carried.

Mr Hill from the same committee, to which was referred the account of T. A. Heard, reported the same as not properly authenticated.

Mr Mallard moved that the report lie on the table; which was carried.

Mr McLemore from the same committee, to which was referred the account of Robert Mitchell, reported a bill to compensate Robert Mitchell, which was read the first and second times forthwith, considered as engrossed, read the third time and passed. Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for its concurrence.

Message from the Governor:

Sir—I have the honor to inform the House of Representatives that a vacancy has occurred in the office of judge of the county court of Lawrence county, in consequence of the resignation of the Hon. Bolling Baker, late judge of said court.

A. P. BAGBY.

Hon. R. A. Baker, Speaker of the House of Representatives.

Ordered, that said message lie on the table.

Mr Moore of mad. from the committee on the State Bank and branches, to which was referred so much of the Governor's message as relates to the redemption of the State bonds, reported a bill for the gradual payment of the State bonds; which was read, and made the special order of the day for Thursday next.

Mr Young moved to re-consider the vote taken yesterday, on referring to a select committee the joint resolutions as to the mode of electing members to Congress, by districts, &c. which was carried. The resolutions were then ordered to a second reading.

Mr Moore of Mad. from the committee on the State bank and branches, to which was referred a resolution to inquire into the expediency of allowing debtors of the respective banks to give personal security, or a lien on real and personal property unincumbered, at their own discretion, giving satisfaction to the board that the same is well secured, reported that it would be inexpedient to make the change contemplated. In which report the House concurred.

Mr Moore of Mad. from the same committee, to which was referred the following preamble and resolution, to wit:

'Owing to the unprecedented hardness of the times, and the shortness of the cotton crop, the staple commodity of the country, producing thereby great pecuniary embarrassment, &c.

'*Be it resolved, &c.* That the committee on the State Bank and branches be requested to inquire into the expediency of the State Bank and branches only calling in ten per cent. per annum, with interest on the amounts of debts due the same, requiring semi-annual notes instead of notes at one hundred and twenty days;'

Reported that it would be inexpedient to legislate on the subject as contemplated by said resolution.

Message from the Senate by Mr Hill, their Secretary:

Mr Speaker—The Senate has passed a bill to be entitled an act to amend an act to incorporate the Firemen's Insurance company of Mobile, which originated in the House of Representatives, amended as therein shewn.

The Senate adheres to its amendment to the bill entitled an act to authorize Henry Hunter to erect a gate or gates upon that part of the public road which runs through his land opposite the town of Lexington in said county, and for other purposes, which originated in the House of Representatives.

An act to create a sinking fund for the redemption of the five per cent bonds issued by the State of Alabama:

An act authorizing the rescinding a certain contract therein named:

An act to regulate damages in the supreme, circuit and county courts:

An act to amend the law in relation to judicial proceedings:

An act to levy a special tax for the county of Morgan:

An act to compensate Little & Hopkins for passage and stores of volunteer soldiers of Captains Martin's and Taylor's company, from Mobile to Demopolis and Jamestown, on board the steamer Wanderer; which originated in the Senate.

The Senate has adopted the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House on Saturday, the 26th inst. at half-past three o'clock, for the purpose of electing a president and six directors, for the branch bank at Montgomery.

Preamble and joint resolutions of the Senate and House of Representatives of the State of Alabama, in answer to the resolutions of the Legislature of the State of Kentucky, in relation to the distribution of the proceeds of the public lands among the several States:

In which the concurrence of the House of Represntatives is requested.

The bill to incorporate the Firemen's Insurance company of Mobile, as amended by the Senate, was read, and the amendment concurred in. Ordered, that the clerk acquaint the Senate therewith.

Mr Norwood moved to recede from the disagreement to the amendment made by the Senate to the bill to authorize Henry Hunter of Dallas county, to erect a gate or gates upon that part of the public road which runs through his land opposite the town of Lexington in said county, and for other purposes; which was carried.

Bills from the Senate of the following titles, to wit:

An act to create a sinking fund for the redemption of the five per cent bonds issued by the State of Alabama:

An act to authorize the rescinding a certain contract therein named:

An act to regulate damages in the supreme, circuit, and county courts:

An act to amend the law in relation to judicial proceedings:

An act to amend the law in regard to limitation of actions:

An act to levy a special tax for the county of Morgan:

An act to compensate Little and Hopkins, for passage and stores for sixty-four volunteer soldiers, of Captains Martin's and Taylor's company from Mobile to Demopolis and Jamestown, on board the steamer Wanderer:

Were severally read and ordered to a second reading.

The preamble and joint resolutions from the Senate, in answer to the resolutions of the Legislature of the State of Kentucky, in relation to the distribution of the proceeds of the public lands amongst the several State, was read and ordered to a second reading.

The resolution from the Senate, proposing to go into the election of a president and six directors for the branch bank at Montgomery, on the 26th inst. at half-past three o'clock, P. M. being under consideration, Mr Hutchinson moved to lay the resolution on the table; which was carried.

Mr Speaker laid before the House a communication from the cashier of the branch of the Bank of the State of Alabama at Mobile, which was read and referred to the committee on accounts.

Mr Langdon from the select committee, to which was referred the bill to exempt the Firemen of the city of Mobile, from the performance of military and jury duty, reported the same without amendment. It was read and ordered to be engrossed for a third reading.

Mr Griffin of M. introduced a bill to repeal an act, approved January 7, 1835, authorizing George S. Massey & Co. to turnpike a certain road therein named.

Mr Douglass introduced a bill for the benefit of *Jemes covert* in this State.

Mr Young introduced a bill for the relief of the Greensboro' light artillery guard.

Mr Adrian introduced a bill to change the time of holding the county courts of Randolph county:

Mr McMillion of B. introduced a bill to establish an election precinct therein named:

Mr Flemming introduced a bill to prohibit the practice of camp hunting in the counties of Covington and Dale:

Which were severally read and ordered to a second reading.

On motion of Mr Hale,

Resolved, That the Senate be respectfully requested to transmit to the House of Representatives, the report of the commissioners of the Coosa river.

Mr Kidd introduced a bill making appropriation for the payment of the members of the present General Assembly, and the officers of the two Houses; which was read and laid on the table.

Mr Clemens introduced a preamble and joint resolutions to ascertain and fix the line between the counties of Benton and Cherokee, and for other purposes; which was read and ordered to a second reading.

Mr Mitchell from the committee on enrolled bills, reported as correctly enrolled, an act regulating the mode of collecting costs accruing in the supreme court.

On motion of Mr Dixon,

Resolved, That the committee on inland navigation be instructed to inquire into the expediency of appointing commissioners to examine Pea river in this State, in regard to the improvement of said river for the navigation of flat or keel boats.

Mr Saunders' resolution introduced on yesterday being under consideration, Mr Houston moved the previous question; which call was sustained. Yeas 42—Nays 31. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Ashurst, Bell, Bowen, Bradley, Cobb, Davis of A. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Griffin of M. Hale, Hill, Houston, Hughs, Hunter, Kelly, Little, Mangum, Mallard, Marchbanks, McClanahan, McCullough, McLemore, Moore of Marion, Morris, Peterson, Pynes, Reynolds, Rice, Seawell, Simmons, Smith of J. Smith of L. Spruill, Walker of B. Williams, Wilson, Winston of DeK. and Wynn.

Those who voted in the negative, are Messrs Adrian, Alexander, Barron, Blackshear, Campbell, Clemens, Davis of B. Flemming, Griffin of S. Hall, Hutchinson, Inge, Jones, Kidd, Langdon, Mann, McCoy, McGill, McMillion of B. Mitchell, Moore of madison, Norris, Perkins, Russell, Shanks, Strode, Walker of L. Wann, Winston of S. Womack and Young.

The main question was then put 'shall the resolution be adopted?' and lost. Yeas 32—Nays 43. The yeas and nays being desired,

Those who voted in the affirmative, are Messrs Speaker, Ashurst, Bell, Bowen, Bradley, Cobb, Dixon, Griffin of *M*. Hill, Hughs, Hunter, Hutchinson, Kelly, Little, *M*angum, *M*allard, Marchbanks, *M*cCullough, McLemore, *M*oore of marion, Moores, Norwood, Pynes, Rice, Saunders, Seawell, Simmons, Smith of J. Spruill, Williams, Wilson and Winston of De K.

Those who voted in the negative, are Messrs Adrian, Alexander, Barron, Blackshear, Campbell, Crenshaw, Davis of A. Davis of B. Davis of L. Doster, Douglass, Fitzpatrick. Flemming, Fowler, Griffin of S. Hale. Hall, Houston, Inge, Jones, Kidd, Mann, McClanahan, McCoy, *M*cGill, *M*cMillion of B. Mitchell, Moore of mad. Morris, Norris, Reynolds, Russell, Shanks, Smith of L. Strode, Walker of B. Walker of L. Wann, Winston of S. Womack, Wynn and Young.

The House then proceeded to the orders of the day.

The engrossed bill from the Senate regulating the punishment of crimes under the penitentiary system, being under consideration,

Mr Kidd moved that the bill be indefinitely postponed.

Mr Clemens moved to suspend the orders of the day, for the purpose of taking into consideration the bill to establish the general ticket system in elections for Representatives in Congress, from the State of Alabama.

A question of order. Mr Speaker decided that a member had a right to call for the reading of any paper.

Mr Rice appealed from the decision; and the chair was sustained.

Mr Houston moved that the House adjourn until three o'clock this evening; which was lost.

Mr Morris moved to reconsider the vote on the appeal just taken.

The House then adjourned until three o'clock, this evening.

P. M. Session, three o'clock.

Mr Griffin of M. moved a call of the House; which was not sustained.

The question then recurred on Mr Morris' motion to reconsider the vote sustaining the chair on a question of order.

Mr Morris asked leave to withdraw his motion to reconsider the vote on the appeal from the chair; which was granted.

Mr Saunders in the chair:

Mr Baker moved to postpone the bill regulating punishments under the penitentiary system, until to-morrow twelve o'clock; which was lost.

Mr Kidd asked leave to withdraw his motion made this morning to postpone the bill indefinitely; which was granted.

Mr McMillion of J. moved to adjourn until to-morrow morning ten o'clock; which was lost.

Mr Winston of S. moved to strike out 'two thousand dollars,' where it occurs in the sixth section of chapter one, with a view to insert 'one thousand dollars,' in lieu thereof; which was lost, Mr Davis of L. moved to amend by striking out the words 'to and from' where they occur in the seventh section, of chapter one; which was lost.

Mr Mann moved to strike out 'three' where it occurs in the eighth section of chapter first, with a view of inserting four; which was lost.

Mr Morris offered the following amendment:

Chapter first, section eighteen, strike out all after the word 'Governor' and insert the following, in words or effect following, viz: the condition of this obligation is such, that if the above boundent —— shall, from time to time, and at all times, render a just and true account to the board of inspectors, or other proper authority, when thereunto required, of all moneys, securities, evidence of debt, or any other property, of any description whatsoever belonging to the State of Alabama, which shall come into his hands, or be committed to his charge in virtue of his office, as warden of the penitentiary, and shall deliver to his successors in office when required all moneys, securities, evidences of debt or any other property of any description whatsoever, and shall answer for all improper appropriations, waste, embezzlement, or destruction of the said moneys, or other property above mentioned, which shall be done or committed by any person or persons, which he may employ in the said office of warden, and shall receive and disburse all moneys which he may have officially received, and perform all other duties incumbent on him as warden of the penitentiary; then this obligation to be void, otherwise in full force. Which bond shall personally be acknowledged by the obligors thereto, before the judge of the county court of Coosa county, which said acknowledgment shall be indorsed on said bond and signed by said judge, and shall be entered of record in the office of the clerk of the county court of Coosa county, and the original bond shall be filed in the office of the Secretary of State, and either the original bond acknowledged as aforesaid, or a copy of the same, as entered of record, shall be sufficient evidence to warrant a recovery, which may be, from time to time, put in suit, against any one or more of the obligors, and shall not be void, on one recovery, but may be put in suit, as often as the condition may be broken.

Sec. 19. *Be it further enacted*, That should any warden of the penitentiary or deputy warden, acting as principle warden, fail or refuse on demand, to surrender or deliver to his successor in office or other person by law, authorized to enter on the duties of said office, any moneys, property or effects of any kind whatsoever, in his possession in virtue of his office, it shall be lawful for the obligee in said officer's bond, on motion in the circuit court of Coosa county, after giving ten days notice to said officer, to obtain judgment against such officer and his securities, for the amount of money which he refused or fails to deliver as aforesaid, together with ten per cent. on the amount so withheld, as damages for its detention, and should he withhold as aforesaid, the property or effects of the State, then judgment shall be given as aforesaid, for the value of the same, with ten per cent. thereon as damages, said value to be assessed by a jury.

Which was lost.

Mr Winston of S. moved to strike out the word 'or' where it occurs in the first line, section nineteen, chapter first, with the view of inserting 'and;' which was carried.

On motion of Mr Flemming the House adjourned until ten o'clock to-morrow.

WEDNESDAY, December 23, 1840.

The House met pursuant to adjournment:

Petitions were presented by Messrs Shanks, and Hale; which were severally read and referred to the committee on propositions and grievances.

Mr Ashurst presented the petition of sundry citizens of Montgomery county; which was read and referred to the delegation from Montgomery county.

Mr Mitchell from the committee on State printing, to which was referred a bill to amend a certain act therein named, referred the same without amendment; which was read and ordered to be engrossed for a third reading.

Mr Moores from the committee on education, to whom was referred a bill to authorize two or more school districts in different townships to form a common school and for other purposes; as also a petition of sundry citizens of Jackson county praying the passage of an act similar to the one above described, reported that there is a law now in existence, which meets the objects of the bill and prayer of the petitioners.

Mr Williams moved that the bill be referred to a select committee; which was carried.

Messrs Williams, Wynn, and Saunders, were appointed said committee.

Mr Moore of Mad. from the committee on the State Bank and Branches reported a bill to enlarge the powers of the Directory of the State Bank and its several Branches, in securing their debts and to authorize them to appoint bank marshals in certain cases; which was read the first time and ordered to a second reading.

Mr Moores from the committee on education, to which was referred a bill for the relief of La Grange College, reported the same without amendment.

Mr Young moved to amend the bill by inserting after the word 'interest' the following, 'the trustees of said college giving satisfactory security for the repayment of the said loan;' which was adopted.

Mr Cobb moved that the cosideration of the same be postponed until the second day of January next; which was carried. Yeas 52—Nays 29. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Adams, Alexander, Barron, Blackshear, Blount, Bradley, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davis of B. Davis of L. Dixon, Douglass, Flemming, Fowler, Garrett, Griffin of M. Hale, Hill, Hughs, Hunter, Kelly, Kidd, Little, Mann, Marchbanks, McClanahan, McCoy, McMillion of B. Mitchell, Moore of Mad. Moore of Marion, Morris, Norris, Provence, Russell, Seawell, Shanks, Simmons, Smith of J. Spruill, Strode, Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Womack, and Wynn.

Those who voted in the negative, are Messrs Speaker, Adrian, Ashurst, Bell, Davidson, Davis of A. Fitzpatrick, Hall, Hollinger, Hutchinson, Inge, Jemison, Jones, King, Langdon, Mangum, McCullough, McLemore, Moores, Perkins, Prince, Reynolds, Rice, Roberts, Saunders, Smith of L. Stone, Walker of B. and Young.

A message from the Governor by J. D. Bagby:

Mr Speaker—I am instructed by the Governor to inform your honorable body that he has approved and signed bills of the following titles, to wit:

An act to authorize and compel the tax collector for the county of Covington, to receive in payment of taxes for said county jury tickets, for services rendered in the circuit and county courts, and for other purposes:

An act making appropriations for the payment of certain claims against the State:

An act to authorize the tax collector and clerk of the county court of Tallapoosa county, to receive in payment of public dues certain certificates therein named;

An act to authorize the election of an assessor and tax collector for the county of DeKalb:

An act to limit the session of the circuit court to three weeks in the county of Talladega:

An act permanently to locate the seat of justice of Marshall county and for other purposes:

An act to alter the mode of assessing and collecting the taxes for Henry and Dale counties:

And an act to change the time of holding the August term of the commissioners court of roads and revenue in the county of Henry:

All of which originated in the House.

Mr Strode offered the following resolution:

Resolved, That the use of the Representative Hall be tendered to the Whig Convention, during their session, after the adjournment of the House on the evening session of each day.

Mr Kidd moved to refer the same to a select committee.

Mr Rice moved the previous question, which call was sustained.

The resolution was adopted.

Mr Walker of B. from the committee on military affairs, to which was referred a bill relating to the Tuscaloosa manufacturing company, reported the same as inexpedient.

Mr Walker of B. moved that the bill be indefinitely postponed.

Mr Hutchinson from the special committee to which was referred the petition of sundry citizens of township sixteen, range seventeen, of Montgomery county, reported a bill to authorize the commissioners of township sixteen, range seventeen of Montgomery county, to erect a suitable building for an academy, which was read the first and second times forthwith, considered as engrossed, read the third time and passed.

Ordered, that the title be as aforesaid.

Ordered, that it be sent to the Senate for their concurrence.

Mr Ashurst from the select committee to which was referred the petition of James Murray, of Montgomery county, reported a bill to change the name of Ivey Boiett and for other purposes, which was read and ordered to a second reading.

Mr Morris moved to suspend the orders of the day for the purpose of introducing a bill: which was lost.

Mr Reyuolds moved to suspend the orders of the day generally.

Mr Winston of DeKalb moved the previous question, which call was sustained. Yeas 42—Nays 41. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Blackshear, Clemens, Cobb, Davis of A. Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. Moore of mad. Moore of marion, Provence, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are Messrs. Alexander, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Davis of L. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, *M*cCoy, *M*itchell, Moores, Norris, Perkins, Prince, Seawell, Shanks, Simmons, Spruill, Womack, and Young.

A message from the Senate by Mr Hill, their secretary:

Mr Speaker—The Senate has passed bills of the following titles which originated in the House of Representatives:

An act to extend the time for the collection of the county school and road tax in the county of Mobile, for 1840.

An act to abolish and establish certain election precincts therein named, amended as therein shewn.

An act to regulate the practice in the courts of chancery in this State:

An act to attach a part of the county of Butler to the county of Conecuh;

An act to incorporate the Centenary Institute of the Alabama annual conference of the Methodist Episcopal Church, in the county of Dallas:

An act to incorporate the town of Jasper, in the county of Walker:

An act in relation to bonds given by the officers of the Bank of the State of Alabama and its branches;

The Senate has also passed bills of the following titles which originated in the Senate, to wit:

An act to change the time of holding the county court of the county of Tallapoosa:

An act supplementary to the attachment law of this State, to authorize attachments to issue on mortgages, deeds of trust, &c. in certain cases:

An act to authorize the judge of the county court and commissioners of roads and revenue of Russell county, to levy a tax for county purposes:

An act to amend the charter of the Tuscumbia, Courtland and Decatur Rail road company, and for other purposes:

An act regulating the fees of bank attornies on collections from the purchasers of sixteenth section in township ten, of range five, in the county of Wilcox:

An act to establish an election precinct therein named:

An act to authorize the judge of the county court and commissioners of roads and revenue of Autauga county, to levy a tax.

An act explanatory of an act entitled an act for the extension of debts due the Bank of the State of Alabama and its several branches, the issuance of post notes, and other purposes, approved Feb. 3d, 1840.

An act to appoint a justice of the peace in the town of Troy, in the county of Pike.

The Senate has adopted a joint resolution in relation to the establishment of a land district in the Cherokee nation.

The Senate has adopted a joint resolution of the General Assembly of the State of Alabama, in respose to certain resolutions of the State of Maine, in relation to the Northeastern boundary question.

The Senate has concurred in the resolution of the House of Representatives proposing that the two houses will assemble in the hall of the House on the 22d inst. (Tuesday) at half past three o'clock, for the purpose of electing a President and six Directors, for the Branch of the Bank of the State of Alabama, at

Montgomery, and has amended the same by striking out Tuesday, the 22d inst., and inserting in lieu thereof, Monday the 28th inst:

The Senate has adopted the following resolution:

Resolved by the Senate, with the concurrence of the House of Representatives, the two houses will assemble in the hall of the House this day 23d December, at four o'clock P. M., for the purpose of electing a President and six Directors for the Branch of the Bank of the State of Alabama, at Mobile.

In which the concurrence of the House of Representatives is requested.

Upon a question of order, the Chair decided that the main question was, 'shall the orders of the day be suspended generally?"

From this decision Mr Jemison appealed, and the opinion of the Chair was sustained.—Yeas 66—Nays 9. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Bell, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Griffin of *M.* Hale, Hall, Hill, Hughs, Inge, Jones, Kelly, King, Langdon, Little, *M*angum, *M*allard, *M*archbanks, *M*cClanahan, McCoy, *M*cCullough, *M*cMillion of B. Mitchell, Moore of Mad. *M*oore of *M*arion, *M*oores, Morris, Norwood, Peguese, Provence, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Shanks, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Wann, Williams, Wilson, Winston of DeK. Wynn, and Young.

Those who voted in the negative, are *M*essrs Bates, Blount, Bradley, Davidson, Hutchinson, Jemison, Kidd, *M*cLemore, and Womack.

The question then recurred on *M*r Reynold's motion to suspend the orders of the day; which was carried. Yeas 45—Nays 39. The yeas and nays being demanded,

Those who voted in the affirmative, are *M*essrs Speaker, Adams, Adrian, Blackshear, Clemens, Cobb, Davis of A. Davis of L. Dixon, Fitzpatrick, Fowler, Garrett, Griffin of *M.* Hale, Hill, Houston, Hughs, Jones, Kelly, King, *M*allard, *M*archbanks, McClanahan, McCullough, McMillion of B. Moore of Mad. Moore of Marion, Morris, Provence, Pynes, Reynolds, Rice, Russell, Saunders, Simmons, Smith of J. Smith of L. Stone, Strode, Walker of B. Wann, Williams, Wilson, Winston of DeK. and Wynn.

Those who voted in the negative, are Messrs Alexander, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Douglass, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, McCoy, *Mc*Lemore, Mitchell, Moores, Norris, Perkins, Prince, Roberts, Seawell, Shanks, Spruill, Womack and Young.

Mr Little moved that the House adjourn until half past three o'clock this evening. Yeas 49—Nays 24. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Houston, Hunter, Hutchinson, Inge, Jemison, Kidd, King, Little, Mallard, McClanahan, McCoy, McCullough, McLemore, Mitchell, Morris, Norris, Norwood, Perkins, Prince, Reynolds, Russell, Seawell, Spruill, Womack, and Young.

Those who voted in the negative, are Messrs Blackshear, Clemens, Cobb, Fowler, Hale, Hill, Hughs, Jones, Kelly, Marchbanks, Moore of *M*ad. Provence, Pynes, Rice, Roberts, Saunders, Simmons, Smith of L. Stone, Strode, Walker of B. Wilson, Winston of DeK. and Wynn.

AFTERNOON SESSION, half after three o'clock.

The House met pursuant to adjournment.

Ordered, that Messrs Peguese, and Broughton, have leave of absence for the remainder of the session.

Ordered, that Messrs McGill, and Peterson have leave of absence for a few days.

Mr Speaker decided that it is competent to take from the orders of the day the bill to establish the general ticket system in elections for Representatives of Congress from the State of Alabama, from which decision Mr Moores appealed, and the chair was sustained. Yeas 41—Nays 33. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Blackshear, Cobb, Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, Langdon, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. Moore of Mar. Provence, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. and Wynn.

Those who voted in the negative, are Messrs Ashurst, Barron, Bell, Bradley, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hunter, Hutchinson, Inge, Jemison, Kidd, Little, Mann, McCoy, McLemore, Moores, Norris, Norwood, Prince, Seawell, Shanks, Simmons, Spruill, Womack, and Young.

Mr Saunders moved to take from the orders of the day, the bill to establish, the general ticket system in elections for Representatives in Congress from the State of Alabama; which was carried. Yeas 44—Nays 36. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Blackshear, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. Moore of Mad. Moore of Marion, Provence, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. and Wynn.

Those who voted in the negative, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McCoy, McLemore, Norris, Norwood, Prince, Seawell, Shanks, Simmons, Spruill, Womack and Young.

Mr Mann moved to postpone the further consideration of the bill until Wednesday next, and make it the special order of that day, which was lost. Yeas 38—Nays 47. The yeas and nays being demanded,

Those who voted in the affirmative are, Messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Flemming, Griffin of M. Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McCoy, McLemore, Mitchell, Moores, Norris, Norwood, Perkins, Prince, Seawell, Shanks, Spruill, Womack and Young.

Those who voted in the negative are, Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Garrett, Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. Moore of mad. Moore of Marion, Morris, Provence, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L., Wann, Williams, Wilson, Winston of DeK. and Wynn.

The House then adjourned until ten o'clock to-morrow.

THURSDAY, Dec. 24, 1840.

The House met pursuant to adjournment.

Mr Pynes presented the petition of sundry citizens of Barbour county; which was read and referred to the delegations from Henry, Dale and Barbour counties.

Mr Pynes presented the petition of sundry citizens of Henry county, praying a division of said county; which was read and referred to the deleagtion from Henry, Dale and Barbour counties.

Mr Adams presented the petition of sundry citizens of Marshall county; which was read and referred to the committee on roads, bridges and ferries.

Ordered, that Mr Bowen have leave of absence for the remainder of the session.

Ordered, that Mr Barron have leave of absence until Monday next.

Ordered, that Mr Winston of S. have leave of absence for a few days.

The bill to abolish and establish certain election precincts therein named, as amended by the Senate, was read, and the amendments concurred in. Ordered, that the clerk acquaint the Senate therewith.

Bills from the Senate of the following titles:

An act to change the time of holding the county court of the county of Tallapoosa:

An act supplementary to the attachment law of this State to authorize attachments to issue on mortgages, deeds in trust, &c. in certain cases:

An act to authorize the judge and commissioners of roads and revenue of Russell county to levy a tax for county purposes:

An act to amend the charter of the Tuscumbia, Courtland and Decatur rail road company, and for other purposes:

An act to regulate the fees of bank attorneys on collections from the purchasers of sixteenth sections:

An act in relation to the sixteenth section in township ten, of range five, in the county of Wilcox:

An act to establish an election precinct therein named:

An act to authorize the judge and commissioners of roads and revenue of Autauga county to levy a tax:

An act to appoint a justice of the peace in the town of Troy, in the county of Pike: and,

An act explanatory of an act entitled an act for the extension of debts due the Bank of the State of Alabama and its several Branches, the issuance of post notes, and other purposes, approved February 3d, 1840:

Were severally read, and ordered to a second reading.

The preamble and joint resolutions from the Senate in relation to the establishment of a Land district in the Cherokee Nation, &c., were read and referred to the delegations from Marshall, Cherokee and De Kalb, with instructions to report back to the House in two days.

The joint resolutions from the Senate in response to certain resolutions of State of Maine in relation to the Northeastern boundary question, were read and adopted.

The resolution from the Senate to go into the election of a President and Directors of the Branch of the Bank of the State of Alabama, at Mobile, on the 23d instant, at four o'clock, P. M. being under consideration—Mr Bates moved that it lie on the table; which was carried.

The resolution from the Senate proposing to go into the election of a President and Directors of the Branch of the Bank of the State of Alabama, at Montgomery, on Monday, the 28th instant, at half after three o'clock, P. M., was read and concurred in. Ordered, that the clerk acquaint the Senate therewith.

Mr Fitzpatrick presented the accounts of P. B. Broker and Charles Miller; which were read and referred to the committee on accounts.

Mr Hunter from the committee on inland navigation, to which was referred the communication of A. S. Justice, one of the board of commissioners appointed on the Choctawhatchie river, reported that it is inexpedient to legislate on the subject. In which report the House concurred.

Mr Hunter from the same committee, to which was referred the petition of Kirley & Morton, reported that the facts set forth therein, are not sustained by testimony taken under any rule that would secure safe action on the part of this House, and it is inexpedient now to legislate thereon; which was laid on the table.

Mr Hale made the following report to wit:

The minority of the committee on county boundaries, to which was referred the bill to repeal in part an act to attach a part of Benton county to Talladega, and for other purposes therein named, with special instructions to enquire into the constitutionality of Cherokee county, having had the same under consideration, beg leave most respectfully to differ with the report made by the majority of the committee, and most respectfully offer to the calm consideration of the House, our reasons for so differing, viz: The act of the Legislature, designating a certain boundary of country to be styled the county of Cherokee, is sufficient evidence to us that the Legislature did at that time believe the designated territory to contain the requisite number of square miles; and as the county has not as yet been surveyed, we consider it beyond the reach of human calculation to tell the exact number of square miles within the limits of the designated territory; and that we are bound, from the evidence before us, to consider the county constitutional, until it shall be otherwise shewn by actual survey.

With due deference and respect, therefore, to the majority of the committee, we beg leave most respectfully to submit to the consideration of the House the following joint resolutions, and recommend their adoption, with a view that the matter may be fairly decided at an early day.

W. C. HALE,
NATH'L. DAVIS,
JOHN T. A. HUGHS,
JAMES SMITH.

In which report the House concurred.

Mr Hill from the committee on accounts and claims, to which was referred the petition of Peter L. Neal, reported that the account set forth in said petition is not properly chargeable to the State. In which report, the House concurred.

Mr Walker of L. from the committee on privileges and elections, to which was referred a communication from the Governor, calling the attention of the General Assembly to the existing laws, in relatiion to the election of members to the Congress of the United States, reported a bill to provide for the election of members to Congress; which was read and ordered to a second reading.

Mr Mann from the select committee, to which was referred a bill to establish a Branch Bank of the State of Alabama, at Irwinton, reported the same without amendment, and recommended its passage.

Mr Morris moved to strike out the word 'Irwinton,' where it occurs in said bill; which was lost. Yeas 19—Nays 53. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adrian, Alexander, Blackshear, Bradley, Campbell, Davidson, Davis of B. Fowler, Hill, Hollinger, Houston, Hughs, Jones, Morris, Norris, Smith of J. and Walker of B.

Those who voted in the negative, are Messrs Adams, Ashurst, Bates, Bell, Blair, Cobb, Crenshaw, Davis of A. Davis of L. Dixon, Doster, Fitzpatrick, Flemming, Griffin of M. Griffin of S. Hale, Hall, Hunter, Hutchinson, Kidd, King, Langdon, Little, Mangum, Mallard, Mann, Marchbanks, McClanahan, McCoy, McCullough, McMillion of B. Mitchell, Moore of Mad. Moore of Marion, Moores, Perkins, Pynes, Reynolds, Rice, Roberts, Saunders, Seawell, Shanks, Simmons, Smith of L. Spruill, Stone, Strode, Walker of L. Williams, Wilson, Winston of DeK. Wynn and Young.

The bill was then ordered to be engrossed for a third reading.

Message from the Senate by Mr Hill, their secretary:

Mr Speaker—The Senate has passed a bill of the following title, to wit:

A bill to be entitled an act making appropriations for the payment of the members of the General Assembly, and the officers of the two Houses:

The Senate has also adopted the following resolution, to wit:

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House, on Monday next, at four o'clock, P. M. for the purpose of electing a president and six directors, for the Bank of the State of Alabama.

In which the concurrence of the House of Representatives is requested.

I am directed by the Senate to transmit to the House of Representatives, the report of the board of commissioners, for the improvement of the navigation of the Coosa river.

Mr Wynn moved a re-consideration of the vote taken on yesterday, on the indefinite postponement of the bill for the relief of the La Grange college.

Mr Mitchell from the committee on enrolled bills, reported as correctly enrolled,

Preamble and joint resolutions of the General Assembly of the State of Alabama, responsive to certain resolutions of the State of Connecticut, in favor of the protective policy.

Mr Stone offered resolutions for the relief of those citizens of the Creek nation, who suffered losses in the late difficulties with the Creek tribe; which was read and referred to the delegations from the Creek nation.

A message from the Senate by Mr Hill, their secretary:

Mr Speaker—The Senate has passed a bill to be entitled an act changing the names of Caroline Crow and others, and making them heirs of George Pylant of Lowndes county. In which the concurrence of the House of Representatives is requested.

The bill from the Senate making appropriations for the payment of members of the General Assembly, and the officers of the two Houses, was read and ordered to a second reading.

The bill from the Senate, changing the names of Caroline Crow and others, and making them heirs of George Pylant, of Lowndes county, was read and ordered to a second reading.

The resolution from the Senate, proposing to go into the election of a president and six directors, for the Bank of the State of Alabama, on Monday next, at 4 o'clock, P. M. being under consideration, Mr Perkins moved to lay the resolution on the table, which was carried.

Mr Rice offered the following resolutions:

Resolved, That all laws, to conform to the spirit of the constitution, should be uniform in their character and extend to every citizen, equality of rights, and impose equality of burthens; and that any law or laws extending indulgence to one portion of citizens, and refusing the same indulgence to others, is partial, unjust, and in violation of the spirit of the constitution.

Resolved, further, That as the House has already refused to the bank debtors of eighteen hundred and forty, that indulgence which was secured to the bank debtors of eighteen hundred and thirty-seven, eighteen hundred and thirty-eight and eighteen hundred and thirty-nine, the committee on the State bank be instructed to report a bill abolishing all laws on the subject of bank extensions, so that no protection may be given to old debtors which is denied to new debtors, and that equal and exact justice may be done to all citizens of this State.

Mr Little moved to lay the resolutions on the table; which was carried.

Mr Roberts offered joint resolutions to keep and preserve all the furniture of both Houses of the General Assembly, and for other purpores; which was read and ordered to a second reading.

Mr Mann introduced a bill to repeal an act to establish a State prison and penitentiary; which was read.

Mr Griffin of M. moved to lay the bill on the table; which was carried. Yeas 56—Nays 19. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Blair, Blount, Cobb, Davenport, Davidson, Davis of A. Davis of L. Doster, Douglass, Fitzpatrick, Fowler, Griffin of M. Hill, Hollinger, Houston, Hughs, Hunter, Hutchinson, Inge, Jones, Kelly, King, Langdon, Little, Mangum, Mallard, Marchbanks, McClanahan, McCoy, McCullough, McMillion of B. Mitchell, Moore of Mad. Moores, Morris, Murphy, Perkins, Prince, Reynolds, Rice, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Williams, Wilson, Winston of DeK. Wynn and Young.

Those who voted in the negative, are Messrs. Bates, Bradley, Campbell, Crenshaw, Davis of B. Dixon, Flemming, Griffin of S. Hale, Kidd, Mann, Moore of Marion, Norris, Norwood, Pynes, Roberts, Seawell, Simmons and Womack.

The House then proceeded to the orders of the day.

The bill from the Senate, to establish the general ticket system in election for representatives of Congress, from the State of Alabama, being under consideration,

Mr McLemore moved that the House adjourn until 3 o'clock, P. M. which was carried.

EVENING SESSION, 3 o'clock.

The House met pursuant to adjournment.

Mr Hutchinson moved a call of the House, which was lost.

The bill from the Senate to establish the general ticket system in the election for Representatives in Congress, from the State of Alabama, being under consideration,

Mr Mann moved to postpone the further consideration of the same until Monday next, which was lost. Yeas 30—Nays 38. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Adams, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Flemming, Griffin of M. Griffin of S. Hall, Hunter, Hutchinson, Kidd, Little, Mann, McCoy, Moores, Murphy, Norris, Norwood, Prince, Seawell, Shanks, Simmons, Spruill and Young.

Those who voted in the negative, are Messrs Speaker, Adrian, Alexander, Blackshear, Blair, Cobb, Davis of A. Davis of L. Douglass, Fitzpatrick, Fowler, Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. Moore of madison, Moore of marion, Pynes, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Walker of B. Williams, Wilson, Winston of DeK. and Wynn.

Mr Murphy moved to postpone the further consideration of the bill until ½ past 11 o'clock, on Saturday next, and made the special order for that day.

Mr Saunders moved to adjourn until 10 o'clock, on Saturday next, which was lost. Yeas 34—Nays 41. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Bell, Blount, Campbell, Davenport, Davis of B. Fitzpatrick, Griffin of S. Hall, Hunter, Jones, King, Langdon, Little, Mallard, Mann, McCoy, Mitchell, Moore of mad. Moores, Murphy, Norwood, Prince, Roberts, Russell, Saunders, Seawell, Shanks, Stone, Strode, Walker of L. Wynn and Young.

Those who voted in the negative, are Messrs Adrian, Alexander, Blackshear, Blair, Bradley, Clemens, Cobb, Crenshaw, Davidson, Davis of A. Davis of L. Dixon, Doster, Douglass, Flemming, Fowler, Griffin of m. Hale, Hill, Hollinger, Hughs, Hutchinson, Kelly, Kidd, Marchbanks, McClanahan, McCullough, McMillion of B. Moore of marion, Morris, Norris, Pynes, Reynolds, Rice, Simmons, Smith of J. Smith of L. Walker of B. Williams, Wilson and Winston of DeK.

The question then recurred on motion to order the bill to a third reading.

Message from the Senate by Mr Gordon, their assistant secretary:

Mr Speaker—The Senate has passed bills of the following titles, to wit:

An act to alter the mode of assessing and collecting the tax for the county of Pickens, and for other purposes; which originated in the Senate:

An act for the benefit of Robert Mitchell; which originated in the House of Representatives, and amended as therein shewn:

In which the concurrence of the House of respectfully requested.

Mr Roberts moved that the House adjourn until Saturday morning, ten o'clock; which was carried. Yeas 46—Nays 30. The yeas and nays were demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Bates, Bell, Blair, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Doster, Douglass, Fitzpatrick, Flemming, Griffin of S. Hale, Hall, Hollinger, Hunter, Hutchinson, Kidd, King, Little, Mann, McCoy, Mitchell, Moores, Murphy, Norris, Norwood, Prince, Roberts, Russell, Saunders, Seawell, Shanks, Spruill, Stone, Strode, Walker of L. Womack, Wynn and Young.

Those who voted in the negative, are Messrs Adrian, Alexander, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Fowler, Griffin of M. Hill, Hughs, Jones, Kelly, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. Moore of mad. Moore of marion, Pynes, Reynolds, Rice, Simmons, Smith of J. Smith of L. Walker of B. Williams, Wilson and Winston of DeK.

Saturday, December 26, 1840.

The House met pursuant to adjournment.

Accounts were presented by Messrs Wynn, Flemming and Fitzpatrick; which were severally read and referred to the committee on accounts.

The bill from the Senate for the benefit of Robert Mitchell, as amended by the Senate, was read and the amendments concurred in. Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The bill to alter the mode of assessing and collecting the taxes for the county of Pickens, and for other purposes, as amended by the Senate, was read and the amendment concurred in. Ordered, that the clerk acquaint the Senate therewith.

Mr Hill, from the committee on accounts, to which was referred the account of William Braly, reported that it is not chargeable to the State; in which report the House concurred.

Mr Hill, from the same committee, to which was referred the papers of Robert W. Lott and Walton L. Childs, reported that they were unable to ascertain the desire of the parties; in which the House concurred.

Mr Hill, from the same committee, to which was referred the account of William R. Hunt, reported that it is not yet chargeable to the State; in which report the House concurred.

Mr Stone introduced a bill to prevent the election to the General Assembly of any person indebted to the State Bank or any of its branches.

Mr Kidd moved to postpone the bill indefinitely; which was carried.

The House then proceeded to the orders of the day.

The bill from the Senate to establish the general ticket system in elections for Representatives in Congress from the State of Alabama, being under consideration.

A message from the Senate by Mr Hill, their Secretary:

Mr Speaker—The Senate has passed bills of the following titles, which originated in the House of Representatives, to wit:

A bill to be entitled an act to repeal that part of the military law which requires brigade encampment drills, and for other purposes, amended as therein shown:

An act to provide for the payment of grand and petit jurors in Dale and Wilcox counties:

An act to provide for the election of sheriffs in certain cases:

An act to form a company beat in the county of Marshall, and for other purposes:

An act to incorporate the Tipton male and female academy:

An act to amend an act to authorize Seth Lore and William Wellborn to erect a wharf on the Chattahoochie river, in the town of Irwinton, Barbour county, approved, December 23, 1837:

An act to incorporate the town of Eutaw, in Greene county:

An act to change the name of William Tell Dean, and for purposes:

An act to divorce William G. Haun from his wife Catherine Haun:

The Senate has also passed bills of the following titles, which originated in the Senate, to wit:

An act to authorize the Governor to order a special election for Representatives to the Congress of the United States, in a certain contingency:

An act to incorporate the Stockton steam boat and warehouse company:

An act concerning the duties of the President and Directors of the State Bank and branches:

An act imposing certain duties on the Secretary of State:

An act to change the time of holding the county courts of Dallas county:

An act to dispense with protest and notice in certain cases:

An act to amend an act to incorporate the Coosa bridge company, passed in 1836, and an act amendatory of said act, passed in 1839 and '40:

An act the better to preserve the record of the several courts in this State:

Also, a joint resolution authorizing the Governor to cause gold medals to be made and presented to Miss Mary McKerly and sisters:

And a report and joint resolutions responsive to certain resolutions of South Carolina, in relation to the George and Maine controversy:

In all of which the concurrence of the House of Representatives is respectfully requested.

Message from the Senate by Mr Hill, their Secretary:

Mr Speaker—The Senate has passed a bill to be entitled an act to alter the time of holding the county court of Baldwin county; in which the concurrence of the House of Representatives is requested.

Mr Perkins moved that the House adjourn until Monday morning, ten o'clock; which was lost. Yeas 30—Nays 44. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Ashurst, Bates, Bell, Bradley, Campbell, Crenshaw, Doster, Flemming, Griffin of S. Hall, Hollinger, Houston, Hunter, Inge, Jemison, Kidd, Langdon, Mann, McCoy, McLemore, Moores, Murphy, Norwood, Perkins, Prince, Seawell, Shanks, Strode and Young.

Those who voted in the negative, are Messrs Speaker, Alexander, Blackshear, Blair, Flemming, Cobb, Davenport, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hill, Hughs, Hutchinson, Kelly, King, Little, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mar. Morris, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Williams, Wilson, Winston of DeK. and Wynn.

The House resumed the consideration of the bill from the Senate to establish the general ticket system in elections for Representatives in Congress from the State of Alabama.

Mr Reynolds moved that the House adjourn until half part three o'clock, P. M. which was carried: And then the House adjourned.

EVENING SESSION, half past three o'clock.

The House met pursuant to adjournment.

The House again resumed the consideration of the bill from the Senate to establish the general ticket system in elections for Representatives in Congress from the State of Alabama.

Mr Bates moved that the House adjourn until Monday morning, ten o'clock; which was lost. Yeas 34—Nays 37. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Ashurst, Bates Bell, Bradley, Crenshaw, Davenport, Davis of B. Doster, Flemming, Griffin' of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McLemore, Mitchell, Moores, Morris, Norwood, Perkins, Prince, Roberts, Seawell, Shanks, Spruill, Walker of L. and Young.

Those who voted in the negative, are Messrs Adams, Adrian, Alexander, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Grffin of M. Hale, Hill, Houston, Hughs, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Pynes, Reynolds, Rice, Saunders, Smith of J. Smith of L. Walker of B. Williams, Wilson, Winston of DeK. and Wynn.

The House again resumed the consideration of the bill from the Senate to establish the general ticket system in elections for Represertatives in Congress from the State of Alabama.

Mr McLemore moved that the House adjourn until Monday morning, ten o'clock; which was carried: And then the House adjourned.

MONDAY, December 28, 1840.

The House met pursuant to adjournment.

Accounts were presented by Messrs Moore of Mad. Mann, Houston, and McMillion of J.; which were severally read and referred to the committee on accounts.

Mr Crenshaw presented the petition of sundry citizens of Pike, Butler, Lowndes, and Covington counties; which were read and referred to the committee on inland navigation.

The bill from the Senate to repeal that part of the military law which requires brigade encampment drills and for other purposes; was referred to the military committee.

Bills from the Senate of the following titles, to wit:

An act the better to preserve the record of the several courts in this State:

An act to amend an act to incorporate the Coosa Bridge Company, passed in 1836: and

An act amendatory of said act, passed in 1839—'40:

An act to dispense with protest and notice, in certain cases:

An act to change the time of holding the county courts of Dallas county:

An act imposing certain duties on the Secretary of State:

An act to incorporate the Stockton steamboat and warehouse company: and

An act to alter the time of holding the county court of Barbour county:

Which were severally read and ordered to a second reading.

The bill from the Senate concerning the duties of the President and Directors of the State Bank and Branches, being under consideration,

Mr Kidd moved that the bill lie on the table; which was lost: it was then ordered to a second reading.

The bill from the Senate to authorize the Governor to order a special election for representatives in the Congress of the United States in a certain contingency, was read, and made the special order of the day for a second reading on to-morrow.

The joint resolutions from the Senate responsive to certain resolutions of South Carolina, in relation to the Georgia and Maine controversy, were read and adopted.

The joint resolutions from the Senate authorizing the Governor to cause gold medals to be made and presented to Miss Mary McKirley and sisters, were read and ordered to a second reading.

Mr Moore of Mad. from the committee on the State Bank and Branches, to which was referred the memorial of the State Bank, reported, a bill for the government of the several banks of the State of Alabama, in certain cases; which was read the first and second time forthwith.

Mr Prince moved to amend the bill by adding after the word 'exchange' in the first section, the words 'at such place;' which was adopted.

Mr Jemison moved to strike out the second section of the bill; which was carried.

Mr Bates moved to amend the bill by an additional section; which was adopted.

Mr Smith of L. moved to strike out the third section.

A message from the Senate by *Mr* Hill, their Secretary.

Mr Speaker—The Senate has passed a bill of the following title, which originated in the House of Representatives:

An act to organize and establish patrol laws for the county of Baldwin:

The Senate has also passed bills of the following titles, which originated in the Senate:

An act exempting the citizens of the within named townships of Autauga county from the operations of the sixteenth section law passed at the session of 1839 and '40.

An act to incorporate and extend the powers of the Alabama medical society:

An act limiting the application of an act entitled, an act to abolish imprisonment for debt:

An act to enlarge the jurisdiction of the Mayor of the City of Tuscaloosa, in the management of slaves and free persons of color:

An act for the relief of Spartan Allen:

The Senate has also adopted the following resolution:

Resolved, That with the concurrence of the House of Representatives the two Houses will assemble in the Hall of the House on Tuesday the twenty-ninth instant, at four o'clock P. M., to elect a President and six Directors for the Branch of the Bank of the State of Alabama, at Huntsville; and also, a President and six Directors of the Branch of the Bank of the State of Alabama, at Decatur.

Mr Langdon offered the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House of Representatives on Tuesday the twenty-ninth instant, at three o'clock, P. M. for the purpose of electing a President and six Directors for the Branch of the Bank of the State of Alabama, at Mobile.

Mr Winston of D. moved to strike out 'three' for the purpose of inserting 'seven;' which was carried.

Mr Hunter moved to amend by adding '*and a commissioner of internal improvement on the Choctawhatchee river;*' which was carried.

Mr Perkins moved to lay the resolution on the table; which was lost.

The resolutions as amended was then adopted. Ordered, that the clerk acquaint the Senate therewith.

Mr Reynolds moved to lay the message from the Senate on the table; which was carried.

The House then proceeded to the orders of the day.

The bill from the Senate to establish the general ticket system in elections for Representatives in Congress for the State of Alabama, being under consideration.

Mr Walker of L. moved that the House adjourn until three o'clock P. M.; which was carried.

And then the House adjourned.

P. M. Session, three o'clock.

The House met pursuant to adjournment.

The House resumed the consideration of the bill from the Senate to establish the general ticket system in elections for Representatives in Congress from the State of Alabama.

Mr Walker of L. offered the following proviso, to come in at the end of the bill, to wit:

Provided, further, That this act shall have effect only in the election jo members to the twenty-seventh Congress.

Mr Griffin moved the previous question; which was lost. Yeas 41—Nays 43. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Pynes, Reynolds, Rice, Russell, Simmons, Smith of J. Smith of L. Stone, Strode, Walker of B. Williams, Wilson, Winston of DeK. and Winston of S.

Those who voted in the negative, are Messrs Speaker, Ashurst, Barron, Bates, Bell, Blount, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Moores, Murphy, Norris, Norwood, Peterson, Prince, Roberts, Seawell, Shanks, Spruill, Walker of L. Womack, and Wynn.

Mr Clemens moved to lay the bill on the table; which was carried. Yeas 49—Nays 38. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Adams, Ashurst, Barron, Bates, Bell, Blount, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Garrett Griffin of M. Griffin of S. Hale, Hall, Hollinger, Houston, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moore of Marion, Moores, Murphy, Norris, Norwood, Peterson, Prince Seawell, Shanks. Simmons, Spruill, Walker of B. and Womack.

Those who voted in the negative, are Messrs Speaker, Adrian, Alexander, Blackshear, Blair, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Morris, Pynes, Reynolds, Rice, Roberts, Russell, Smith of J. Smith of L. Stone, Strode, Walker of L. Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

The Senate having repaired to the hall of the House of Representatives, and taken their seats, the two houses then proceeded to the election of a President and six Directors, for the Branch of the Bank of the State of Alabama, at Montgomery.

The two houses first proceeded to the election of a President for the branch of the bank of the State of Alabama, at Montgomeay—John Martin alone being in nomination.

Those who voted for Mr Martin, are Messrs President, Alston, Andress, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Jones, King, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack, of the Senate; Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hill, Hall, Hollinger, Houston, Hughs, Hunter, Hutchinson, Inge, Jemison, Jones, Kelly, Kidd, King, Langdon, Little, Mangum, Mallard, Mann, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore. McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Moores. Morris, Murphy, Norris. Norwood, Peterson, Prince, Pynes, Reynolds, Roberts, Russell, Seawell. Shanks, Simmons, Smith of J. Smith of L. Spruill, Stone. Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn of the House of Representatives.

John Martin having received one hundred and eighteen votes, being the whole number given, Mr Speaker declared him duly and constitutionally elected President of said Bank for the ensuing twelve months.

The two houses next proceeded to the election of six Directors—E. C. Wallace, J. M. Friou, John A. Whetstone, Robert E. Coxe, Col. W. O. Baldwin, J. A. Bullock, Dr. Baldwin, H. G. Harbin, R. T. Ashurst, T. J. Vickers, W. McKnight, R. A. Mosely, A. Parker and Asa Alexander, being in nomination.

Those who voted for Mr Wallace are Messrs Alston, Andress, Dent, Farrar, Hall, Jones, McConnell, McVay, Oliver, Smith, Terry, Thornton, and Womack, of the Senate; Adams, Adrian, Barron, Bates, Clemens, Davenport, Davidson, Davis of A. Davis of B., Davis of L., Doster, Fowler, Garrett, Hall, Hughs, Hutchinson, Jemison, Kelly, Kidd, Langdon, McCullough, McGill, McMillion of B., Moores, Prince, Rice, Saunders, Walker of B., Williams, Wilson, Winston of DeK., Winston of S. and Wynn, of the House of Reps.—46.

Those who voted for Mr Friou, are Messrs Alston, Dailey, Hall, McConnell, Phillips, Rice, Rodgers. Ross, Terry, and Womack, of the Senate; Messrs Speaker, Adams, Adrian, Ashurst, Barron, Bell, Blount, Bradley, Campbell, Crenshaw, Dixon, Fitzpatrick, Flemming, Garrett, Hale, Hill, Hughs, Hunter, Hutchinson, Kelly, Kidd, King, Little, Mann, McAlpin, McCoy, McCullough, McGill, McMillion of B., McMillion of J., Mitchell, Moore of Madison, Moores, Murphy, Norris, Norwood, Reynolds, Rice, Roberts, Russell, Smith of J., Stone, Walker of M. Wann, Winston of DeK., and Winston of S. of the House of Representatives—56.

Those who voted for Mr Whetstone are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, King, Lloyd, McAllister, McConnell, Phillips, Rice, Rodgers, Terry, Toulmin, Turner, Watrous, Wilson of F., and Wilson of J., of the Senate; Messrs Speaker, Adrian, Alexander, Bell, Blount, Cobb, Davidson, Davis of A., Davis of B., Davis of L., Dixon, Doster, Douglass, Flemming, Fowler, Garrett, Griffin of S. Hale, Hall, Hollinger. Houston, Hughs, Inge, Jones, Kelly, Kidd, King, Langdon, Mangum, Mallard, Marchbanks, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Moore of mad. Moore of Marion, Norris, Norwood, Perkins, Peterson, Reynolds, Rice, Roberts, Seawell, Shanks, Simmons, Smith of J., Smith of L., Spruill, Stone, Walker of B., Walker of L, Walker of M. Wann, Wilson, Winston of DeK. Winston of S. Womack and Wynn, of the House of Representatives—84.

Those who voted for Mr Coxe, are messrs President, Andress, Buford, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, Lloyd, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, and Wilson of F., of the Senate; Messrs Speaker, Adams, Alexander, Blackshear, Blair, Blount, Cobb, Davis of L. Douglass, Fitzpatrick, Fowler, Garrett, Hollinger, Houston, Inge, Kelly, King, Little. Mallard. Marchbanks, McClanahan, McLemore, McMillion of J. Moore of marion, Murphy, Perkins, Peterson, Prince, Pynes, Reynolds, Roberts, Russell. Saunders, Seawell, Simmons, Smith of L., Spruill, Walker of B., Walker of L., Wilson and Womack, of the House of Representatives—61.

Those who voted for Col. W. O. Baldwin, are Messrs Alston, Andress, Buford, Dailey, Dent, Jones, King, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Turner, Watrous, Wilson of J. and Womack, of the Senate; Messrs Speaker, Adrian, Ashurst, Barron, Bates, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B., Dixon, Doster, Fitzpatrick, Flemming. Griffin of M., Griffin of S. Hale, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, King, Langdon, Little, Mangum, Mann. McAlpin, McCoy, McCullough, McLemore, McMillion of J. Mitchell, Moore of mad. Moore of marion, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Provence. Pynes, Reynolds, Seawell, Shanks, Simmons, Spruill, Stone, Strode, Walker of B. Walker of L. Walker of M. Wann, Womack and Wynn, of the House of Representatives—79.

Those who voted for Mr Bullock, are Messrs President, Clarke, Creagh, Farrar, Hudson, Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs Speaker, Campbell, Clemens, Cobb. Dixon, Douglass, Fowler, Hill, Houston, Jones, Mallard, McClanahan, McMillion of B. Moore of marion, Reynolds, Smith of J. Strode, Wann, Williams, Wilson, and Winston of S. of the House of Representatives—39.

Those who voted for Dr Baldwin, are Messrs President, Buford, Clarke, Creagh, Dailey, Farrar, Hudson, Jones, Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Hale, Hall, Houston, Hughs, Jones, Kelly, King, Mangum, Mallard, Mann, Marchbanks, McClanahan, McMillion of B. Moore of madison, Moore of marion, Perkins, Provence, Pynes, Reynolds, Roberts, Saunders, Simmons, Smith of L. Stone, Strode, Walker of B. Walker of L. Walker of M. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Womack, of the House of Representatives—66.

Those who voted for Mr Harbin, are messrs Alston, McConnell, McVay, Oliver, Phillips, Ross, Thornton, Watrous and Womack, of the Senate; messrs Ashurst, Barron, Bates, Bell, Blackshear, Blair, Bradley, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Doster, Flemming, Garrett, Griffin of m. Griffin of S. Hall, Hill, Hollinger, Hunter, Inge, Jemison, Kidd, Langdon, Little, *M*cAlpin, McCoy, *M*cCullough, *M*cMillion of J. Mitchell, Moores, Murphy, Norris, Norwood, Province, Pynes, Russell, Seawell, Smith of L. Spruill, Strode, Womack and Wynn, of the House of Representatives—58.

Those who voted for Mr Ashurst, are messrs Alston, Andress, Buford, Dent, Hall, King, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Watrous, Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Garrett, Griffin of m. Griffin of s. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, King, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moore of madison, *M*oores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Rice, Saunders, Seawell, Shanks, *S*mith of J. Spruill, Strode, Walker of B. Walker of L. Walker of m. and Williams, of the House of Representatives—73.

Those who voted for *M*r Vickers, are messrs Alston, Andress, Buford, Dailey, Dent, Hall, Jones, King, Oliver, Phillips, Ross, Thornton, Watrous and Womack, of the Senate; messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Griffin of s. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAllister, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peterson, Prince, Rice, Roberts, Seawell, Shanks, Simmons, Smith of L. Spruill, Stone, Strode, Walker of L. and Womack, of the House of Representatives—61.

Those who voted for Mr McKnight, are mr Reese, of the Senate.

Those who voted for mr Mosely, are messrs President, Creagh, Hudson, Lloyd, Toulmin and Turner, of the Senate; messrs Alexander, Blackshear, Blair, Douglass, Griffin of m. Hill, Hughs, Mallard, Marchbanks, McClanahan, Provence, Rice, Russell, Smith of J. Smith of L. Wann, and Williams, of the House of Representatives—23.

Those who voted for mr Parker, are messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Lloyd, McAllister, McVay, Rice, Rodgers, Smith, Thornton, Toulmin, Wilson of F. and Wilson of J. of the Senate; messrs Adams, Alexander, Blackshear, Blair, Cobb, Davis of A. Davis of L. Douglass, Fowler, Griffin of m. Griffin of s. Hale, Hill, Houston, Hughs, Jones, Kelly, Mallard, Marchbanks, McClanahan, McCullough, McGill, McLemore, McMillion of B. McMillion of J. *M*oore of mad. Moore of marion, Prince, Provence, Pynes, Roberts, Russell, Saunders, Shanks, Stone, *W*alker of m. Williams, Wilson, Winston of DeK. and Wynn, of the House of Representatives—57.

Those who voted for mr Alexander, are messrs Andress, Buford, Clarke, Dent, King, McAllister, McVay, Oliver, Smith, and Wilson of F. of the Senate; messrs Adams, Ashurst, Bates, Bell, Blackshear, Blair, Bradley, Crenshaw, Davenport, Davis of A. Davis of L. Dixon, Flemming, Griffin of m. Hale, Hill, Houston, Hunter, Hutchinson, Jemison, Mangum, Mann, Marchbanks, McAlpin, Mitchell, Perkins, Peterson, Provence, Pynes, Russell, Saunders, Shanks, Simmons, Smith of J. Winston of DeK: *W*inston of S. and Wynn, of the House of Representatives—47.

John A. Whetsone, Col. W. O. Baldwin, Dr. Baldwin, and R. T. Ashurst, having received a majority of the whole number of votes given, Mr Speaker declared them duly elected Directors of the Branch of the Bank of the State of Alabama at Montgomery.

Neither of the others having received a majority of the votes given, the two houses proceeded to the election of two Directors of said Bank—Messrs E. C. Wallace, J. M. Friou, Robert E. Cox, J. A. Bulloch, H. G.

HARBIN, T. G. VICKERS, R. A. MOSELY, ASHLEY PARKER, and ASA ALEXANDER, being in nomination.

Those who voted for Mr WALLACE, are Messrs Alston, Andress, Farrar, Hudson, Hall, Jones, King, McVay, Oliver, Reese, Terry, Watrous, Wilson of F. and Wilson of J. of the Senate; Messrs Ashurst, Bates, Davis of A. Davis of B. Davis of L Doster, Griffin of M. Hall, Langdon, McAlpin, McMillion of B. Moore of Mad. and Moores, of the House of Representatives—26.

Those who voted for Mr FRIOU, are Messrs McConnell, and Turner, of the Senate; messrs Speaker, Adams, Adrian, Bradley, Crenshaw, Dixon, Flemming, Garrett, Hale, Hill, Hughs, Hutchinson, Kelly, King, Little, Mallard, McCoy, Mitchell, Moore of Marion, Norris, Norwood, Reynolds, Rice, Roberts, Russell, Smith of J. Walker of B. Winston of DeK. and Winston of S. of the House of Representatives—31.

Those who voted for Mr COX, are messrs President, Clarke, Creagh, Dailey, Dent, Jones, Lloyd, Phillips, Reese, Rice, Rodgers, Thornton, Toulmin, and Turner of the Senate; messrs Adams, Alexander, Blackshear, Blair, Blount, Campbell, Cobb, Davenport, Dixon, Douglass, Fitzpatrick, Fowler, Hollinger, Houston, Hughs, Inge, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McLemore, McMillion of J. Moore of Mad. Moore of Marion, Murphy, Perkins, Peterson, Prince, Pynes, Seawell, Shanks, Simmons, Spruill, Strode, Walker of B. Walker of L. Williams, Wilson, Winston of S. and Wynn, of the House of Representatives—57.

Those who voted for Mr BULLOCH, are messrs President, Clarke, Creagh, Smith, Terry, Toulmin, Wilson of F. and Wilson of J. of the Senate; and messrs Speaker and Jones of the House of Representatives—10.

Those who voted for Mr HARBIN, are messrs McConnell, and McVay, of the Senate; and messrs Barron, Bell, Garrett, Griffin of S. Hunter, Jemison, Jones, Mangum, and McClanahan, of the House of Representatives—11.

Those who voted for Mr VICKERS, are messrs Alston, Andress, Buford, Dailey, Dent, King, Oliver, Phillips, Ross, Thornton, Watrous, and Womack of the Senate; messrs Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Pynes, Rice, Seawell, Shanks, Simmons, Spruill, Stone, Strode, Walker of L. and Womack, of the House of Representatives—61.

Mr Russell of the House of Representatives voted for Mr MOSELY.

Those who voted for Mr PARKER, are messrs Farrar, Hudson, Hall, Lloyd, McAllister, Rice, Rodgers, and Smith, of the Senate; messrs Blackshear, Cobb, Davis of A. Davis of L. Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Marchbanks, McCullough, McGill, McMillion of B. McMillion of J. Reynolds, Roberts, Smith of J. Stone, Williams, Wilson, Winston of DeK. and Wynn, of the House of Representatives—31.

Those who voted for Mr ALEXANDER, are messrs Buford, McAllister and Womack of the Senate; and messrs Blair and Mann of the House of Representatives—5.

T. J. VICKERS having received sixty-one votes, being a majority of the whole number given, mr Speaker declared him duly elected a Director of the Branch of the Bank of the State of Alabama at Montgomery.

Neither of the others having received a majority of the votes given, the two houses proceeded to the election of one Director for said Bank—messrs J. M. Friou, Robert E. Cox, and Ashley Parker, being in nomination.

Those who voted for Mr Friou, are messrs Dailey and Oliver, of the Senate; and messrs. Adams, Adrian, Ashurst, Barron, Bates, Bradley, Davis of B. Flemming, Garrett, Griffin of m. Hale, Hill, Hughs, Hutchinson, Kelly, King, Langdon, Little, Mann, McCoy, Moores, Norris, Norwood, Reynolds, Rice, Roberts, Russell, Smith of J. Williams, Winston of DeK. and Winston of s. of the House of Representatives—33.

Those who voted for Mr Cox, are Messrs President, Creagh, Jones, King, Rice, Rodgers, Ross, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of F. Wilson of J. and Womack, of the Senate; messrs Speaker, Bell, Blackshear, Blair, Blount, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davis of A. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Griffin of s. Hall, Hollinger, Houston, Hunter, Inge, Jemison, Kidd, Mangum, Mallard, Marchbanks, McAlpin, McClanahan, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of mad. Murphy, Perkins, Peterson, Prince, Pynes, Saunders, Seawell, Shanks, Simmons, Spruill, Stone, Strode, Walker of B. Wilson, and Womack of the House of Representatives—66.

Those who voted for Mr Parker, are messrs Clarke, Hall, McAllister, McVay, and Smith, of the Senate; Messrs Alexander, McCullough and Wynn, of the House of Representatives—8.

Robert E. Cox having received sixty-six votes, being a majority of the whole number given, *M*r Speaker declared him duly and constitutionally elected a Director of the Branch of the Bank of the State of Alabama, at *M*ontgomery.

The Senate then withdrew.

*M*r Rice moved to call up the bill from the Senate to establish the general ticket system, in elections for Representatives in Congress, from the State of Alabama.

Mr Inge moved to adjourn until 10 o'clock to-morrow morning, which was carried. The yeas and nays being demanded—Yeas 32, Nays 29.

Those who voted in the affirmative are, messrs Adams, Ashurst, Barron, Bell, Blount, Bradley, Campbell, Crenshaw, Davidson, Davis of B. Davis of L. Doster, Fitzpatrick, Flemming, Hall, Hunter, Hutchinson, Inge, Kidd, Langdon, Little, *M*ann, *M*cGill, *M*cLemore, *M*itchell, *M*oores, Norris, Peterson, Shanks, Simmons, Spruill and Womack.

Those who voted in the negative are, messrs Speaker, Adrian, Alexander, Blackshear, Blair, Cobb, Davis of A., Douglass, Fowler, Griffin of m., Hill, Hughs, Kelly, Mallard, *M*cClanahan, *M*cCullough, *McM*illion of B. McMillion of J. Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J., Strode, Walker of B., Williams, and Wilson.

The House then adjourned.

Tuesday, December 29, 1840.

The House met pursuant to adjournment.

Mr Hill presented an account, which was read and referred to the committee on accounts.

Mr Moore of madison, called up the message from the Senate.

The bills from the Senate of the following titles, to wit:

An act exempting the citizens of the within named townships of Autauga county, from the operation of the sixteenth section law, passed at the session of 1839–'40:

An act to incorporate and extend the powers of the Alabama medical society:

An act limiting the application of an act entitled, an act to abolish imprisonment for debt:

An act for the relief of Spartan Allen:

And an act to enlarge the jurisdiction of the mayor of the city of Tuscaloosa, in the management of slaves and free persons of color:

Were severally read and ordered to a second reading.

Mr Murphy presented the petition of sundry citizens of Greene county, which was read and referred to the committee on the judiciary.

Mr Reynolds moved to call up the bill from the Senate to establish the general ticket system in elections for Representatives in Congress from the State of Alabama.

The resolution from the Senate proposing to assemble in the hall of the House of Representatives on Tuesday the 29th inst. at 4 o'clock p. m. to elect a President and six Directors for the Branch of the Bank of the State of Alabama at Huntsville; and also, a President and six Directors for the Branch Bank at Decatur.

Mr Winston of DeK. moved to strike out "Tuesday the 29th inst." and insert the following: "on Wednesday at 4 o'clock at Huntsville, on Thursday at 7 o'clock, at Decatur."

A division of the question being called for, it was first taken on striking out, and carried.

The question was then taken on filling the first blank with Wednesday, which was carried.

The question was then taken to fill the blank as to Decatur, with Thursday 7 o'clock, which was carried.

Mr Perkins moved to amend the resolution by adding a President and six ~~Directors~~ for the Bank of the State of Alabama, at 7 o'clock, p. m. on the 30th instant; which was adopted.

The resolution as amended was then adopted.

Ordered, that the clerk acquaint the Senate therewith.

Mr Winston of DeK. moved to call up the bill from the Senate to establish the general ticket system in elections for Representatives in Congress from the State of Alabama.

Upon a question of order, the Chair decided that the bill cannot be read without leave of the House.

From this decision the House dissented. Yeas 38—Nays 48.

Those who voted in the affirmative, are messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Flemming, Griffin of S. Hall, Hollinger, Hutchinson, Inge, Jones, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Norris, Norwood, Perkins, Peterson, Prince, Seawell, Shanks, and Womack.

Those who voted in the negative, are messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jemison, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Morris, Provence, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Winston of DeK. renewed his motion to call up the bill from the Senate; which was carried. Yeas 47—Nays 44. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Provence, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Morris, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Womack.

Mr Wynn moved to reconsider the vote on the previous question, made on yesterday; which was carried. Yeas 49—Nays 42. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Womack.

The question then recurred upon a call for the previous question.

A message from the Governor by J. D. Bagby:

Sir—I have the honor to inform the House of Representatives that a vacancy has occurred in the office of judge of the county court of Marengo county, in consequence of the death of the Hon. Angus R. Morrison.

A. P. BAGBY.

Hon. R. A. BAKER, Speaker of the House of Representatives.

A message from the Senate by Mr Hill, their secretary.

Mr Speaker—The Senate has passed bills of the following titles, to wit: which originated in the House of Representatives;

An act to authorize the commissioners of township sixteen, range seventeen, of Montgomeay county, to erect a suitable academy:

An act to amend an act for locating the seat of justice for Washington county:

And also bills of the following titles, which originated in the Senate, to wit:

An act to amend the charter of the city of Mobile:

An act to secure the fees of certain officers, in the city of Mobile:

An act to change the name of James H. Nichols to that of James A. Alston:

An act making appropriations for the payment of certain claims against the State:

An act for the relief of the Greensboro light artillery guards:

An act to establish a road court in the county of Mobile:

An act to alter the time of holding the spring term of the circuit court in certain counties therein named:

And have also adopted the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House on Thursday the thirty-first instant, for the purpose of electing a judge of the county court of Lawrence county, at four o'clock, p. m:

The Senate has also passed a bill, which originated in the Senate, to be entitled an act to authorize the judge of the county court and commissioners of roads and revenue of Limestone county, to levy a special tax:

In which the concurrence of the House of Representatives is requested.

The Senate has concurred in the resolution of the House proposing to elect a President and six Directors for the branch of the Bank of the State of Alabama at Mobile, this evening at seven o'clock.

Upon a question of order, a motion was made to take the bill from the table changing the method of electing members to Congress; which was carried.

The Chair decided that it is now before the House.

Mr Little of Sumter took an appeal from that decision, in the following words:

A motion to take a bill from the table, does not put it before the House for its action, but places it among the orders of the day. And the decision of the Chair was sustained. Yeas 51—Nays 32. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Blackshear, Blair, Bradley, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Langdon, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are Messrs Ashurst, Barron, Bell, Blount, Crenshaw, Davidson, Davis of B. Doster, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Seawell, and Womack.

Mr Inge moved to postpone the further consideration of the bill to establish the general ticket system in elections for representatives in Congress, for the

State of Alabama, until Monday next; which was lost. Yeas 42—Nays 49. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Seawell, Shanks, Simmons, Spruill and Womack.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Madison, Moore of Marion, Morris, Provence, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Upon a question of order, the Chair decided the bill before the House is one of the orders of the day, and is first in order, and has to be disposed of before other orders of the day, can be taken up; from which decision:

Mr Hutchinson appeals in the following form:

A question being under consideration, which the House has decided was not among the orders of the day, the hour of twelve arrives, and a motion is made to proceed with the orders of the day: the Chair decides the motion to take up the order of the day out of order, no motion being entertained to suspend said order: an appeal is taken from the decision of the Chair.

The Chair was sustained. Yeas 46—Nays 29. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are Messrs. Ashurst, Barron, Bell, Blount, Davenport, Doster, Flemming, Griffin of S. Hall, Hollinger, Hutchinson, Inge, Kidd, Langdon, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Murphy, Norris, Norwood, Perkins, Prince, Seawell, Shanks, Spruill, and Womack.

Mr Griffin of M. called for the previous question; which was sustained. Yeas 46—Nays 43. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hill, Houston, Hughs, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hale, Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Seawell, Shanks, Spruill, and Womack.

Mr Hutchinson moved to adjourn. The chair decided that a motion to adjourn was out of order before the main question was disposed of; and the decision of the chair was sustained. Yeas 50—Nays 37. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Adams, Adrian, Alexander, Blackshear, Blair, Campbell, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Morris, Provence, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Smith ot J. Smih of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Hall, Hollinger, Hunter, Hutchinson, Inge, Kidd, Langdon, Little, Mangum Mann, McAlpin, McCoy, McGill, McLemore, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Seawell, Shanks, Spruill and Womack.

The main question was then put, shall the bill be ordered to a third reading? and decided to the affirmative. Yeas 48—Nays 43. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Dixon, Douglass, Fowler, Griffin ot M. Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Provence, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston ot DeK. Winston of S. and Wynn.

Those who voted in the negative, are messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Womack.

The House then adjourned until three o'clock.

EVENING SESSION, 3 o'clock.

The House met pursuant to adjournment.

The message from the Governor, informing the House of the death of the Hon. Angus R Morrison, judge of the county court of Marengo county, was read and ordered to lie on the table.

The bills from the Senate of the following titles, to wit:

An act making appropriation for the payment of claims against the State:

An act to change the name of James H. Nichols to that of James A. Alston:

An act for the relief of the Greensborough Light Artillery Guards:

An act to secure the fees of certain officers in the county of Mobile:

An act to amend the charter of the city of Mobile:

An act to authorize the judge of the county court and the commissioners of roads and revenue of Limestone county to levy a special tax:

An act to alter the time of holding the spring term of the circuit court in certain counties therein named:

An act to establish a road court in the county of Mobile:

Were severally read, and ordered to a second reading.

The resolution from the Senate, proposing to go into the election of a judge of the county court of Lawrence county, on the 31st instant, at four o'clock, p. m. being under consideration, Mr Douglass moved to amend by inserting 'and five canal commissioners;' which was adopted.

The resolution as amended was then adopted. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate, for the relief of Andrew J. Dozier, being under consideration,

Mr Hunter moved to amend the bill by inserting the words 'Cicero D. Hudson,' after the words 'Andrew J. Dozier;' which was carried.

Mr Morris moved further to amend the bill by inserting the words 'and James R. Powell,' after the word 'Cicero D. Hudson;' which was carried.

The bill as amended, was read a third time forthwith and passed. Ordered, that the title be so amended as to read 'an act for the relief of Andrew J. Dozier, and for other purposes'

Ordered, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Gordon, their assistant secretary:

Mr Speaker:—The Senate has passed a bill of the following title, to wit: An act for the final settlement of the controversy between the counties of Jackson and Marshall, touching a certain claim of the former against the latter county. In which the concurrence of the House is requested.

Mr Crenshaw moved to suspend the orders of the day, for the purpose of taking up the bill to amend an act entitled an act to organize and establish separate courts of chancery, approved 26th February, 1839; which was carried. Yeas 57—Nays 24. The yeas and nays being demanded,

Those who voted in the affirmative are, messrs Speaker, Adrian, Barron, Bates, Bell, Blackshear, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Davis of L. Doster, Fitzpatrick, Flemming, Griffin of M. Hale, Hall, Hill, Hollinger, Hughs, Hunter, Hutchinson, Jemison, Jones, Kidd, Langdon, McCoy, McCullough, McGill, McLemore, Moore of Mad. Morris, Murphy, Norris, Norwood, Peterson, Prince, Pynes, Reynolds, Rice, Roberts, Russell, Seawell, Simmons, Smith of J. Stone, Strode, Walker of B. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Womack.

Those who voted in the negative, are messrs Alexander, Blair, Blount, Cobb, Davis of A. Douglass, Fowler, Griffin of S. Houston, Little, Mallard, Mann, Marchbanks, McClanahan, McMillion of B. McMillion of J. Mitchell, Moore of Marion, Perkins, Saunders, Shanks, Smith of L. Walker of L. and Wynn.

Mr Fitzpatrick moved to amend the bill by striking out 'Lafayette,' for the purpose of inserting 'Tuskegee.'

Mr McLemore moved the previous question; which was sustained. Yeas 55—Nays 22. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adrian, Barron, Bell, Blackshear, Blount, Bradley, Campbell, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Flemming, Fowler, Griffin of M. Hill, Hollinger, Hunter, Jones, Kelly, Kidd, King, Mallard, Marchbanks, McCoy, McCullough, McLemore, McMillion of B. McMillion of J. Moore of mad. Morris, Murphy, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Shanks, Smith of J. Smith of L. Strode, Walker of B. Walker of L. Wann, Williams, Winston of S. and Womack.

Those who voted in the negative, are messrs Adrian, Fitzpatrick, Griffin of S. Hale, Hall, Hutchinson, Inge, Jemison, Little, Mangum, *M*ann, McClanahan, Mitchell, Moores, Norris, Norwood, Perkins, Peterson, Wilson, Winston of DeK. and Wynn.

The main question was then put: 'Shall the bill be ordered to a third reading?' which was decided in the affirmative. Yeas 55—Nays 28. The yeas and nays being demanded,

Those who voted in the affirmative are messrs Speaker, Adrian, Barron, Bates, Bell, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Doster, Flemming, Fowler, Hall, Hollinger, Hughs, Hunter, Inge, Jemison, Jones, Kelly, Kidd, Langdon, Little,
the counties of Jackson and Marshall, touching a certain claim of the for-
Mangum, McAlpin, McCoy, McCullough, McGill, McLemore, McMil-
Peterson, Pynes, Reynolds, Roberts, Russell, Seawell, Shanks, Spruill, Stone, Strode, Walker of B. Williams, Winston of S. and Womack.

Those who voted in the negative, are messrs Adams, Alexander, Cobb, Davis of L. Dixon, Douglass, Fitzpatrick, Griffin of M. Griffin of S. Hale, Hill, Hutchinson, King, Mallard, Marchbanks, McClanahan, McMillion of J. Mitchell, Perkins, Rice, Saunders, Smith of J. Smith of L. Walker of L. Wann, Wilson, Winston af DeK. and Wynn.

The bill for the Senate, for the final settlement of the controversy between
lion of B. *M*oore of mad. Moores, Morris, Murphy, Norris, Norwood,
mer against the latter county, was read and ordered to a second reading.

Mr Hale moved to suspend the orders of the day; which was carried.

Mr Hale then introduced a resolution to ascertain and fix the line between the counties of Benton and Cherokee, and for other purposes; which was read.

Mr Walker of B. moved that the same be referred to the delegations of Cherokee and Benton counties.

And then the House adjourned until seven o'clock.

EVENING SESSION, seven o'clock.

The House met pursuant to adjournment.

The Senate having repaired to the hall of the House of Representatives and taken their seats, for the purpose of electing a President and six Directors, for the Branch of the Bank of the State of Alabama at Mobile, and one Commissioner for the Choctawhatchie river.

The two Houses proceeded to the election of a President for said Bank, —JOHN B. NORRIS and JOHN T. DONALD, being in nomination.

Those who voted for Mr Norris, are messrs President, Clarke, Creagh, Farrar, Hudson, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Fowler, Griffin of m. Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Pynes, Reynolds, Roberts, Saunders, Smith of J. Strode, Walker of B. Walker of L. Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives.—58.

Those who voted for Mr Donald, are messrs Alston, Andress, Buford, Dailey, Dent, Hall, King, Oliver, Thornton, Watrous, and Womack, of the Senate; messrs Alexander, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Fitzpatrick, Flemming, Garrett, Griffin of S. Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Moores, Murphy, Norris, Perkins, Peterson, Prince, Rice, Seawell, Shanks, Simmons, Smith of L. Spruill, and Womack, of the House of Representatives—56.

John B. Norris, having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected President of the Branch of the Bank of the State of Alabama at Mobile.

The two houses then proceeded to the election of six Directors for said Bank—messrs Ed. S. Harrison, D. D. Kane, B. Boykin, M. Lindsey, Cade M. Godbold, Jacob Boyd, Littleberry Mauldin, Wm. A Scott, Edward Brodnax, Wm. A. Smith, Jos. Hall, Isaac H. Erwin, and Julius O. Harris, being in nomination.

Those who voted for Mr Boyd, are messrs President, Clarke, Lloyd, McAllister, Rice, Rodgers, Ross, Terry, Toulmin, and Wilson of F. of the Senate; messrs Adrian, Blackshear, Blair, Blount, Clemens, Cobb, Fitzpatrick, Fowler, Houston, Hughs, Inge, Jemison, Kelly, King, Little, Mallard, Marchbanks, McAlpin, McClanahan, McMillion of B. Moore of mad. Moore of marion, Norris, Peterson, Roberts, Shanks, Simmons, Strode, and Womack, of the House of Representatives—39.

Those who voted for mr Boykin, are messrs President, Alston, Andress, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, Reese, Rice, Smith, Terry, Thornton, Toulmin, Tu[illegible]er, Wilson of F. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blackshear, Blair, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Doster, Flemming, Fowler, Garrett, Hall, Hill, Hollinger, Houston, Hughs, Hunter, Inge, Jones, Kelly, Kidd, King, Langdon, Little, Mangum, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Moores, Norwood, Peterson, Pynes, Reynolds, Rice, Roberts, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Williams, Wilson, Winston of DeK. Womack, and Wynn of the House of Representatives—90.

Those who voted for mr Brodnax, are messrs Alston, Andress, Buford, Dent, Hudson, Hall, Jones, King, Lloyd, McConnell, McVay, Oliver, Reese, Rodgers, Ross, Thornton, Turner, Watrous, Wilson of F. and Wilson of J. and Womack, of the Senate; messrs Speaker, Alexander, Ashurst, Barron, Bates, Bell, Bradley, Crenshaw, Davenport, Davidson, Davis of B. Doster, Douglass, Flemming, Garrett, Griffin of m. Griffin of S. Hall, Hill, Hollinger, Hunter, Hutchinson, Kidd, Langdon, Little, Mann, Marchbanks, McCoy, McCullough, McGill, McLemore, Moore of mad. Moore of marion, Moores, Norris, Norwood, Perkins, Peterson, Prince, Pynes, Saunders, Seawell, Shanks, Simmons, Spruill, Stone, Walker of B. Walker of L. Williams, Winston of S. and Womack of the House of Representatives—72.

Those who voted for Erwin, are messrs Alston, Andress, Buford, Creagh, Dent, King, McVay, Oliver, Ross, Thornton, Turner, and Watrous of the Senate; messrs Speaker, Adams, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Doster, Flemming, Garrett, Griffin of m. Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, Mitchell, Moore of marion, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Pynes, Saunders, Seawell, Simmons, Smith of L., Spruill, Strode, and Winston of S. of the House of Representatives—63.

Those who voted for mr Godbold, are messrs President, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Barron, Blair, Clemens, Cobb, Davis of A. Davis of L. Douglass, Fowler, Houston, Hughs, Jemison, Jones, Kelly, Kidd, King, Mallard, Mann, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of madison, Moore of marion, Reynolds, Rice, Roberts, Saunders, Seawell, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Williams, Wilson, Winston of DeK. Winston of S. Womack, and Wynn, of the House of Representatives—66.

Those who votod for mr Hall, are messrs Alston, Andress, Buford, Creagh, Dent, Hall, King, Oliver, Thornton, Turner, and Watrous of the Senate; messrs Ashurst, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of B. Fitzpatrick, Flemming, Griffin of m. Griffin of S. Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jones, Kidd, Langdon, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, McMillion of J. Mitchell, Murphy, Perkins, Prince, Rice, Shanks, Simmons, Spruill, Stone, Strode, and Womack, of the House of Representatives—55.

Those who voted for mr Harris, are messrs Alston, Buford, King, Oliver, and Watrous of the Senate; messrs Alexander, Ashurst, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davidson, Doster, Fitzpatrick, Flemming, Griffin of m. Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Langdon, Little, Mallard, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Perkins, Peterson, Prince, Rice, Shanks, Simmons, Smith of J. Smith of L. Spruill, Strode, Walker of L. and Williams, of the House of Representatives—48.

Those who voted for mr Harrison, are messrs President, Clarke, Farrar, Hudson, Hall, Jones, McAllister, McConnell, McVay, Oliver, Reese, Rice, Rodgers, Ross, Smith, Watrous, Wilson of F. and Womack, of the Senate; messrs Speaker, Adrian, Ashurst, Campbell, Davis of A. Davis of L. Doster, Fitzpatrick, Fowler, Garrett, Griffin of S. Hill, King, Mangum, McCoy, McCullough, McLemore, McMillion of B. McMillion of J. Moore of madison, Murphy, Norris, Norwood, Prince, Rice, Roberts, Saunders, Shanks, Smith of L. Walker of L. Wilson, Winston of DeK. Womack, and Wynn, of the House of Representatives —52

Thsse who voted for mr Kane, are messrs President, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, Jones, King, McConnell, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, and Wilson of J. of the Senate; messrs Adrian, Blount, Campbell, Clemens, Cobb, Davenport, Davis of A. Doster, Douglass, Fitzpatrick, Fowler, Garrett, Houston, Hughs, Hutchinson, Jemison, Kelly, King, McClanahan, McCullough, McMillion of B. Mitchell, Moores, Perkins, Reynolds, Roberts, Seawell, Stone, Walker of B. Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—53.

Those who voted for mr LINDSEY are messrs Clarke, Creagh, Dailey, McAllister, Reese, Rice, Terry, Toulmin, Wilson of F. and Wilson of J. of the Senate; messrs Davis of A. Davis of L. Houston, Mallard, McClanahan, Reynolds, Smith of J. Wilson, Winston of DeK. and Wynn, of the House of Representatives—20.

Those who voted for mr MAULDIN, are messrs Alston, Andress, Hudson, Jones, Lloyd, McVay, Rodgers, Ross, Smith, Thornton, Turner, and Womack of the Senate; messrs Speaker, Adams, Alexander, Bradley, Campbell, Davenport, Davis of A. Davis of B. Davis of L. Douglass, Griffin of M. Hughs, Jones, Kelly, King, Mangum, Mallard, Marchbanks, McClanahan, McCullough, McMillion of J. Mitchell, Moore of mad. Moores, Murphy, Norris, Norwood, Pynes, Reynolds, Saunders, Smith of J. Walker of L. Williams, Wilson, Winston of S. and Wynn of the House of Representatives—48.

Those who voted for mr SCOTT, are messrs Andress, Buford, Dailey, Dent, Farrar, Jones, King, Lloyd, McConnell, McVay, Oliver, Ross, Watrous and Wilson of J. of the Senate; messrs Adams, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Crenshaw, Davidson, Davis of B. Davis of L. Douglass, Flemming, Garrett, Griffin of M. Griffin of S. Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, McAlpin, McCoy, McGill, McLemore, McMillion of J. Mitchell, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Pynes, Rice, Roberts, Seawell, Shanks, Simmons, Smith of L. Spruill, and Walker of B. of the House of Representatives—65.

Those who voted for mr SMITH, are messrs President, Buford, Dailey, Farrar, McAllister, Smith, Terry, Toulmin, Wilson of J. and Womack, of the Senate; messrs Adams, Adrian, Blackshear, Blair, Clemens, Cobb, Douglass, Fitzpatrick, Fowler, Hill, Houston, Hughs, Jones, Kelly, Mangum. Mann, Marchbanks, McMillion of B. Moore of marion, Pynes, Reynolds, Smith of J. Stone, Walker of B. Winston of DeK. and Winston of S. of the House of Representatives—36.

Messrs BOYKIN, BRODNAX, ERWIN, GODBOLD, and SCOTT having each received a majority of the votes given, Mr Speaker declared them duly elected Directors of the Branch of the Bank of the State of Alabama, at Mobile.

The two houses then proceeded to ballot the second time, for one director for said Bank—Messrs E. S. HARRISON, D. D. KANE and LITTLEBERRY MAULDIN, being in nomination.

Those who voted for Mr HARRISON, are Messrs President, Andress, Hall, King, McVay, Oliver, Reese, Rodgers, Ross, Wilson of F. and Womack of the senate; Messrs Alexander, Ashurst, Barron, Bates, Bell, Bradley, Campbell, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Doster, Fitzpatrick, Flemming, Fowler, Griffin of s. Hall, Hollinger, Hunter, Hutchinson, Inge, Kidd, Langdon, Little, Mangum, Mann, Marchbanks, McAlpin, McCoy, McGill, McLemore, McMillion of B. McMillion of J. Moore of mad. Murphy, Norris, Norwood, Peterson, Prince, Rice, Roberts, Saunders, Seawell, Shanks, Simmons, Smith of J. Smith of L. Wilson, Winston of DeK. Womack, and Wynn, of the House of Representatives.—63.

Those who voted for Mr KANE, are Messrs Creagh, Dailey, Dent, Farrar, McConnell, Rice, Terry, Toulmin, and Wilson of J. of the senate; messrs Adrian, Blair, Blount, Clemens, Cobb, Garrett, Hill, Houston, Hughs, Jemison, Kelly, McClanahan, McCullough, Moore of marion, Perkins, Reynolds, Stone, Strode, Walker of B. and Winston of S. of the House of Representatives—29.

Those who voted for mr MAULDIN, are messrs Alston, Clarke, Hudson, Jones, Lloyd, McAllister, Smith, Thornton, Turner, and Watrous, of the Senate; Messrs Speaker, Adams, Blackshear, Davenport, Douglass, Griffin of M. Jones, King, Mallard, Mitchell, Moores, Pynes, Spruill, Walker of L. and Williams, of the House of Representatives—25.

Mr E. S HARRISON having received a majority of the whole number of votes given, Mr Speaker declared him duly elected a director of the Branch of the Bank of the State of Alabama, at Mobile.

The two houses then proceeded to the election of a Commissioner for the improvement of the navigation of the Choctawhatchie river—JOHN D. COLLOWAY, alone being in nomination.

Those who voted for Mr COLLOWAY, are messrs President, Alston, Andress, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, King, Lloyd, Rice, Rodgers, Ross, Thornton, Toulmin, Turner, of the Senate; Messrs Speaker, Adams, Barron, Bell, Blackshear, Blair, Blount, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Douglass, Flemming, Griffin of m. Griffin of S. Hall, Hill, Hughs, Hunter, Inge, Jones, Kelly, Kidd, Little, Mallard, Mann, McAlpin, McClanahan, McCullough, McGill, McMillion of J. Mitchell, Moore of mad. *M*oores, Norris, Norwood, Perkins, Pynes, Reynolds, Saunders, Shanks, Simmons, Smith of L. Walker of B. Wilson, Winston of DeK. and Wynn, of the House of Representatives —68.

John D. Holloway having received sixty-eight votes, being the whole number given, Mr Speaker declared him duly elected a commissioner for the improvement of the navigation of the Choctawhatchie river.

The Senate then withdrew.

The House then adjourned until to-morrow morning 10 o'clock.

Wednesday, December 30, 1840.

The House met pursuant to adjournment.

Mr Speaker laid before the House a communication from the Directors of the branch of the bank of the State of Alabama, at Decatur, which was read and referred to the committee on the State Bank.

Mr Murphy presented the petition of sundry citizens of the town of Greensboro, in the county of Greene, which was read and referred to the judiciary committee.

Ordered, that mr Pynes have leave of absence.

Mr Blair presented an account, which was referred to the committee on accounts.

The report of Mr Moore of Mad. from the committee on the State Bank, to which was referred the memorial of the directors of the State Bank, being under consideration, was read and referred to a select committee, consisting of messrs Moore of mad. Jemison and Walker of L.

Mr Hill from the committee on accounts, to which was referred the account of John O. Bollard, reported that it is inexpedient to allow the said account. It was laid upon the table.

Mr Hill from the same committee to which was referred the account of Buford and Johnson, reported the same back to the House in order that the same may be withdrawn. It was ordered to lie upon the table.

Mr McGill from the select committee, to which was referred the bill to extend the jurisdiction of justices of the peace, in the county of Pickens, reported the same as inexpedient.

Ordered, that the report and bill lie on the table.

Mr Norris from the select committee to which was referred a bill to amend an act entitled an act to extend the time of indebtedness of the Bank of the State of Alabama and its branches, and legalizing the suspension of specie payments, and for other purposes, approved June 30th, 1837, reported the same with sundry amendments, in which the House concurred. The bill as amended was then read a second time and ordered to be engrossed for a third reading.

Mr Winston of DeK. from the select committee to which was referred the preamble and resolutions of the General Assembly of the State of Alabama, in relation to the establishment of a land district in the Cherokee Nation reported the same with sundry amendments.

Mr Hale moved to lay the bill on the table; which was lost.

The resolutions as amended were then read, and the amendments disagreed to.

The resolutions were then adopted. Ordered, that the clerk acquaint the Senate therewith.

Mr Murphy presented the account of J. C. Locke, which was read and referred to the committee on accounts.

Mr Hill from the committee on accounts, reported a bill making appropriation for the payment of certain claims against the State, which was read the first and second time forthwith.

Mr Hale moved to lay the bill on the table, which was lost.

Mr McGill moved to amend the bill by an additional section; which was lost.

The bill was then considered as engrossed, read the third time and passed.

Mr Mann from the select committee to which was referred a bill to form a certain county therein named, and for other purposes, reported the same as inexpedient. Ordered, that the report and bill lie on the table.

Mr Walker of B. from the committee on military affairs, to which was referred the engrossed bill to abolish brigade encampments, and for other purposes, reported the same and recommended that the House disagree to the amendments made by the Senate. The amendments of the Senate were disagreed to.

Ordered, that the clerk acquaint the Senate therewith.

Mr Smith of J. from the select committee to which was referred the petition of sundry citizens of Jackson county, reported that it was inexpedient to legislate on the subject. In which report the House concurred.

Mr Mitchell from the committee on enrolled bills, reported as correctly enrolled:

An act to incorporate the town of Jasper, in the county of Walker:

An act to extend the time for collecting the county school and road tax for the county of Mobile, for the year 1840:

And an act in relation to the bonds given by the officers of the Bank of the State of Alabama and its branches.

The House then proceeded to the consideration of the orders of the day.

Mr Saunders moved to suspend the orders of the day, for the purpose of taking up the bill from the Senate to establish the general ticket system in elections for Representatives in Congress from the State of Alabama, which was carried. Yeas 47—Nays 40. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of M. Hill, Houston, Hughs, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Provence, Randolph, Reynolds, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are messrs Ashurst, Barron, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of s. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Seawell, Shanks, Spruill and Womack.

Mr Clemens called up the bill to establish the general ticket system in elections for Representatives in Congress from the State of Alabama, which was carried. Yeas 47—Nays 35, The yeas and nays were demanded,

Those who voted in the affirmative are, messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Provence, Randolph, Reynolds, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are messrs Ashurst, Barron, Bates, Blount, Bradley, Campbell, Davenport, Davis of B. Flemming, Griffin of S. Hall, Hollinger, Hunter, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Seawell, Shanks, Spruill and Womack.

Mr Clemens moved to fill the first blank with the word 'three,' which was carried.

Mr Clemens moved to fill the second blank with the word 'three,' which was carried.

Mr Clemens moved to fill the third blank with the word 'thirty,' which was carried.

Message from the Senate by Mr Hill, their secretary:

Mr Speaker—The Senate has passed bills of the following titles, which originated in the House of Representatives, to wit:

An act to authorize Henry Haynes to erect a toll bridge across Thompson's creek, in the county of Marshall, amended as therein shown:

An act to authorize the same individual to hold the office of clerk of the circuit and county court of Marion county.

The Senate has also passed bills of the following titles, which originated in the Senate, to wit:

An act to enlarge the discretion of the State Bank and its several branches, in securing debts, and to authorize them to appoint bank marshals if necessary:

An act to change the name of Ivey Boiett, and for other purposes:

An act to compel the owners of slaves to keep some white person at negro quarters, in this State:

An act concerning county court judges:

An act to incorporate the Sylvania male and female academy, in the county of Limestone:

An act prescribing the duties of assessors and tax collectors:

An act to establish a private way for H. J. Y. Moss to his landing on the Tombeckbee river, in the county of Washington:

An act for the benefit of J. Henrie Hottinger:

An act more effectually to enforce the performance of the duties of sheriffs in certain cases:

Engrossed joint resolution authorizing the President and Directors of the Bank of the State of Alabama and its several branches, to burn the amount of post notes, which they may have or may hereafter issue and put in circulation:

An act to fix the times of sales by sheriffs of Greene county.

The Senate has concurred in the amendment made by the House of Representatives to the resolution proposing to go into the election of a President and six Directors for the branch bank at Decatur, on Tuesday, the twenty-ninth instant, at four o'clock, p. m. by striking out 'twenty-ninth' and inserting 'thirty-first at seven o'clock.'

Also the amendment proposing to go into the election of a President and six Directors for the Bank of the State of Alabama, on the thirtieth instant, at seven o'clock:

And have disagreed to the amendment of the House, proposing to go into the election of a President and six Directors for the branch bank at Huntsville, on Wednesday the thirtieth instant, at four o'clock, p. m.

The Senate has adhered to its amendment to the bill to repeal that part of the militia law which requires brigade encampment drills, and for other purposes; and ask a committee of conference. Messrs Hudson, Alston and Thornton were appointed said committee on the part of the Senate.

The bill from the Senate to establish the general ticket system in elections for Representatives in Congress from the State of Alabama, being under consideration,

Mr Winston of D. called the previous question, when it appeared that there was not a quorum present. Yeas 44—Nays 5. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hill, Houston, Hughs, Jones, Kelly, Kidd, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are Messrs Clemens, Hall, Moore of Mad. Walker of B. and Walker of L.

Mr Mitchell moved that the House adjourn; which was lost.

Mr Clemens moved a call of the House; which was sustained.

Mr Clemens moved to send a messenger for Messrs Walker of madison and Garrett; which was agreed to.

Mr Smith of L. moved a call of the House, when the following members answered to their names:

Messrs Adams, Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Garrett, Griffin of m. Hale, Hill, Houston, Hughs, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Walker of m. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn—52.

The question was 'shall the main question be now put?' and decided in the affirmative. Yeas 51—Nays none.

Those who voted in the affirmative, are messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon; Douglass, Fowler, Garrett, Griffin of m, Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Walker of m. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

The question was then put—'Shall this bill pass?' and was decided in the affirmative. Yeas 50—Nays 23.

Those who voted in the affirmative, are messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Crenshaw, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of m. Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, *M*cClanahan, McCullough, *M*cMillion of B. *M*cMillion of J. Moore of mad. Moore of marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Walker of mad. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are messrs Ashurst, Bates, Blount, Davidson, Davis of B. Fitzpatrick, Flemming, Garrett, Griffin of S. Hale, Hutchinson, Jemison, Kidd, *M*cCoy, McGill, *M*cLemore, Mitchell, Norwood, Perkins, Peterson, Prince, Spruill, and Womack.

Mr Reynolds moved that the House adjourn until four o'clock; which was carried. Yeas 49.—Nays 22. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Speaker, Adams, Adrian. Alexander, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of m. Hale, Hill, Houston, Hughs, Jemison, Kelly, King. Mallard, Marchbanks, McClanahan McCullough, Mcmillion of B. Mcmillion of J. Mitchell, Moore of mad. Moore of marion, Morris, Provence, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of S. and Wynn.

Those who voted in the negative, are messrs Ashurst, Bates, Blount. Crenshaw, Davidson, Davis of B. Doster, Flemming, Griffin of S. Hutchinson, Kidd, Little, Mann, *M*cCoy, *M*cGill, McLemore, Norwood, Perkins, Peterson, Prince, Spruill, and Womack.

And then the House adjourned.

EVENING SESSION, four o'clock.

The House met pursuant to adjournment.

The bill to authorize Henry Haynes to erect a toll bridge across Thompson's creek, in the county of *M*arshall, as amended by the Senate was read, and the amendments concurred in.

Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to fix the time of the sales by sheriffs in Greene county: which was read the first, second, and third time forthwith, and passed.

Ordered, that the clerk acquaint the Senate therewith.

The bills from the Senate of the following titles:

An act more effectually to enforce the performance of the duties of sheriffs in certain cases;

An act for the benefit of J. Henri Hottinguer:

An act to establish a private way for H. Y. J. *M*oss to his landing on the Tombeckbee river in the county of Washington:

An act prescribing the duties of assessors and tax collectors:

Were severally read and ordered to a second reading.

The bill from the Senate to incorporate the Sylvania male and female academy in the county of Limestone, was read the first, second, and third time forthwith and passed.

Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate concerning county court judges, was read the first and second time forthwith, and referred to a select committee, consisting of messrs Murphy, Moores, and Flemming.

The bill from the Senate to compel owners of slaves to keep some white person at negro quarters in this State, was read.

Mr Smith of L. moved that the bills be indefinitely postponed; which was lost.

The bills was then read a second time forthwith, and referred to a select committee, consisting of messrs Jemison, Kidd, Griffin of S. and Prince.

Mr Perkins, moved to adjourn until ten o'clock to-morrow: which was lost.

The resolution from the Senate proposing to go into the election of a President and six Directors of the Branch of the Bank of the State of Alabama, at Huntsville, on Wednesday the thirtieth instant, at four o'clock p. m.

The House receded from its amendment to said resolution.

The House concurred in the resolution from the Senate requesting a committee of conference on the bill to repeal that part of the militia law which requires brigade encampment drills and for other purposes.

Whereupon messrs Walker of B. Winston of S. and Inge, were appointed said committee on the part of the House.

The House then adjourned until ten o'clock to-morrow morning.

THURSDAY, December 31, 1840.

The House met pursuant to adjounment.

Mr Crenshaw moved a reconsideration of the vote taken on yesterday on the passage of the bill to establish the general ticket system in elections for representatives in Congress from the State of Alabama.

Mr Little moved to postpone the further consideration of the motion to reconsider, until to-morrow. Yeas 30—Nays 47. The yeas and nays were demanded,

Those who voted in the affirmative, are messrs Ashurst, Barron, Bell, Blount, Bradley, Crenshaw, Davenport, Davidson, Davis of B. Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Little, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Norris, Peters, Peterson, Shanks, and Spruill.

Those who voted in the negative, are messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair. Clemens. Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of m. Hale, Hill, Houston, Hughs, Jones, Kelly, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion. Morris, Provence, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Morris moved a call of the House, which was lost. Yeas 31—Nays 48. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Adams, Ashurst, Bates, Bell, Blount, Bradley, Crenshaw, Davenport, Davis of B. Doster, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinssn, Inge, Kidd, Little, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Norris, Peters, Peterson, Seawell, Shanks, and Womack.

Those who voted in the negative, are messrs Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of m. Hale, Hill, Houston, Hughs, Jemison, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Provence, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Spruill, Stone, Walker of B. Walker of L. Wann, Wiliams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Williams moved the previous question, which was sustained. Yeas 49—Nays 34. The yeas and nays were demanded,

Those who voted in the affirmative, are messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of m. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Provence, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of D. Winston of S. and Wynn.

Those who eoted in thd negative, are messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Crenshaw, Davenport, Davidson, Davis of B. Doster, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Morris, Peters, Peterson, Seawell, Shanks, Spruill and Womack.

The question then recurred on mr Crenshaw's motion to reconsider the vote; which was lost. Yeas 38—Nays 49. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of b. Doster, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Norris, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Spruill and Womack.

Those who voted in the negative, are messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of m. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of mad. Morris, Provence, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of D. Winston of S. and Wynn.

Mr Hill presented the petition of sundry citizens of Talladega county; which was read and referred to the delegation from Talladega county;

Mr Hudson presented the petition of sundry citizens of Washington county; which was read and referred to the committee on county boundaries.

Mr Walker of B. presented the decree of the court of chancery, in the case of Lucy Walker against John Walker; which was referred to the committee on divorce and alimony.

Mr Hill, from the committee on accounts, to which was referred the account of Edmund Black, reported that they had already allowed one to the same person for the same amount. In which the House concurred.

Mr Walker of B. made the following report:

The joint examining committee of the General Assembly of the State of Alabama, to whom was confided the examination of the affairs of the Bank of the State of Alabama, ask leave to report—That in the discharge of the duties assigned them, they have spared no pains, to present in a plain and simple manner, in the annexed exhibits, all the information touching the situation of our State institutions, that may be desired, either by the Legislature or the people.

In consequence of the very recent and thorough examination of the affairs of the State Bank, made by the Commissioners appointed by His Excellency, the Governor, your committee have directed the greater portion of their labors to the procurement of information touching the solvency of the debts due the different banks, and all other matters which were deemed proper and useful to disseminate among the people.

To the annexed exhibits your committee beg leave to refer, without comment, as the result of their examination. They speak for themselves in a language not to be misunderstood.

Exhibit A. contains a statement of the debt incurred by the State of Alabama for the capital stock of the banks. and the annual interest payable thereon. B. is a statement of all the debts due to the State Bank and branches (except the debts growing out of the cotton transactions with the State Bank) which are classed into good, doubtful, bad, and unknown. This statement is based on information derived from the members of the General Assembly, by an examination of the debts of their respective counties. The item of unknown debts is composed of those debts, as to the character of which the committee could get no information. Exhibit C. is a statement of the extended and unextended debts of the Bank of the State of Alabama. The committee intended making similar statements from each of the branch banks, but found it impracticable to arrive at any degree of certainty, from the documents in their possession: and time would not permit a call on the banks for the desired information. Your committee deem such statements valuable for this—that by a comparison of them with that based on the examination of members, will, it is thought, materially assist us in arriving at a more correct conclusion as to the character of the bank debts. For when a debt remains unextended under the liberal provisions of the late law, it is strong presumptive evidence, that it is bad, or at least doubtful.

It may be proper here to add, that while the committee take great pleasure in saying, that the debts were passed on by the Representatives of the different counties in the most candid and impartial manner, yet it must be conceded, that in many cases there was difficulty in arriving at a satisfactory conclusion from a want of definite knowledge as to the pecuniary condition of the debtor.

Exhibit D. shews the amount of paper offered from the respective counties therein specified, at the State Bank, ending 1st November, 1840, during the year. The publication of such information is thought to be proper, as tending to check any disposition to partiality, that may hereafter exist on the part of the directory, and will at the same time do an impartial directory no injury whatever.

Exhibits E. F. G. H. and I. shew the condition of the several banks therein named, at the dates therein specified.

In regard to what is termed the cotton transactions, entered into by the State Bank, your committee would refer to that part of the report of the commissioners appointed by the Governor, touching that transaction, which holds the following language: ‘ Our attention has been particularly directed to the cotton transactions. For it will be recollected, that this Bank has been making advances on cotton for the past two yeas: and notwithstanding the policy, as well as the legality has been questioned, it was persevered in until the present board of directors came into office. It is difficult to imagine any cause that will ultimately be so disastrous to the institution. Whether any thing can be done to secure the interests of the bank from serious losses, with which it is threatened, or prevent the recurrence, will be for you to determine.

Our examination extends back to the commencement of these transactions. The results of our investigation are as follows:

The number of Bales		advanced on is - -	21,624
do	do	received and shipped, - -	19,124
do	do	not delivered, - -	2,475
do	do	sold, as per ac't. sales received, -	18,290
do	do	unsold or ac't. sales not received,	859

The amount advanced on 21,624 bales is,	$1,209,416 29
" proceeds, as per ac't. sales, of 18,290 bales, is	704,898 62
" amount of reclamations from shippers, subject to the deductions of the nett proceeds of 859 bales, is - - -	504,517 67

Now taking as data, the proceeds of the same number of bales, as per account sales of cotton already sold, gives a credit to the above of $25,770 00.

The probable amount of reclamations $478,747 67.

In view of the vast amount of reclamations as shewn, the great number of bales never delivered, the payment being almost universally resisted (without exception it is believed, in all large amounts) with the most confident hope of defeating the bank of its just dues; and many of the parties believed to be insolvent, or have taken measures to be so, as regards the bank. Taking all these things into consideration, a more ruinous and reckless administration of the affairs of the bank could not well have been devised.’’ In conclusion, your committee feel it due to the officers of the bank to say, that they were at all times prompt and ready to render every facility in their power, to your committee in the prosecution of their labors. All of which is respectfully submitted.

W. W. MORRIS,
MILTON McCLANAHAN,
THOS. A. WALKER, of Benton.
Committee on the part of the House of Reps.
GEORGE REESE,
D. B. TURNER,
D. HALL,
Committee on the part of the Senate.

Note.—Where the sales of cotton do not amount to the sum advanced by the bank, the amount to be refunded by the individuals who obtained the advance, is termed “reclamation.”

Ordered, that the report lie on the table, and that three thousand copies be printed.

Mr Inge, from the committee on propositions and grievances, to whom was referred the petition of Terry Bradley, reported unfavorably to the prayer of the petitioner. Ordered, that said report lie on the table.

Mr Mitchell, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit:

An act to amend an act to incorporate the fireman's insurance company of Mobile:

An act for the benefit of Robert Mitchell:

An act to authorize Henry Hunter of Dallas county, to erect a gate or gates upon that part of the public road which runs through his land opposite the town of Lexington in said county, and for other purposes:

An act to abolish and establish certain election precincts therein named:

An act to incorporate the Centenary institute of the Alabama conference of the Methodist Episcopal Church, in the county of Dallas:

An act to regulate the practice in the courts of chancery in this State:

An act to attach a part of the county of Butler to the county of Conecuh:

And the report and joint resolutions responsive to certain resolutions of South Carolina, in relation to the Georgia and Maine controversy:

An act to explain an act, entitled an act to appoint administrators in certain cases, approved, February 5, 1840.

Mr McMillion of B. from the committee on enrolled bills, reported as correctly enrolled, a joint resolution of the General Assembly of the State of Alabama, in reference to certain resolutions of the State of Maine, in relation to the North Eastern boundary question: which originated in the Senate.

The bill from the Senate to change the name of Ivey Boiet and for other purposes, was read the first and second time forthwith.

Mr Bates moved to amend by an additional section by way of engrossed ryder; which was adopted.

The bill as amended was then read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

Ordered, that Mr Doster be added to the committee on enrolled bills-

A message from the Senate by Mr Hill, their secretary:

Mr Speaker—The Senate has concurred in the amendments made by the House of Representatives to their resolution proposing to go into the election of a judge of the county court of Lawrence county, on Thursday, the thirty-first instant, at four o'clock, p. m.; which was amended, by adding also five Tenneesse canal commissioners:

They have also concurred in the amendments made by the House to the bill for the relief of Andrew J. Dozier:

And have passed bills of the following titles, which originated in the House:

An act requiring the judge of the county court of Marengo county, to reside at, or within five miles of the court house:

An act to alter and amend the several acts in relation to the public roads, in the county of Mobile:

And an act to compel executors and administrators to perfect titles to land in certain cases:

In which they respectfully ask the concurrence of your honorable body.

The bills from the Senate of the following titles, to wit:

An act to enlarge the discretion of the State Bank and its several branches, in securing debts and authorizing them to appoint bank marshals, if necessary:

Joint resolution to authorize the President and Directors of the Bank of the State of Alabama and its several branches, to burn the amount of post notes which they have or may hereafter issue and put in circulation:

An act requiring the judge of the county court of Marengo county, to reside at, or within five miles of the court house:

An act to alter and amend the several acts in relation to public roads, in the county of Mobile:

An act to compel executors and administrators to perfect titles to lands in certain cases:

Were severally read and ordered to a second reading.

Mr Inge, from the committee on propositions and grievances, to which was referred the petition of sundry citizens of Barbour county, praying the passage of a law allowing the retail of ardent spirits without license, reported that it is inexpedient to grant the prayer of the petitioners; in which report the House concurred.

Mr Inge, from the same committee, to which was referred the bill for the relief of Elijah Dodson, reported the same and asked to be discharged; which was granted.

Mr Douglass moved to lay the bill on the table; which was carried.

Mr Saunders, from the judiciary committee, made the following report:

The committee on the Judiciary, to whom were referred joint resolutions of State of South Carolina, in relation to the controversy between Georgia and Maine; joint resolutions of the Legislature of Virginia relative to a like controversy, between that State and New York; and so much of the message of his Excellency, the Governor of this State, as relates to the disposition manifested in so many quarters to interfere with domestic slavery, where it exists under the sanction of the constitution, have had the same under consideration; and beg leave to submit the following report:

That the several subjects referred for examination are connected directly or indirectly with a movement in the northern section of the Union, having for its object the invasion of the rights of the slaveholding States; either by State regulations which, if submitted to, would render the provisions of the Federal Constitution, as to the demand of fugitives from justice and labor, entirely nugatory; by congressional legislation destructive of all checks and safeguards of that instrument; or else by continual agitation of this question to lessen the value of the property; and disturb the tranquility of the southern people until they may be forced into reluctant compliance; if not by speedier and more hellish machinations to produce scenes of cruelty and horror in the bosom of the southern States, which your committee will not attempt to depict.

The joint resolutions of the State of South Carolina set forth, that in May 1837, a slave named Atticus, the property of two citizens of the city of Savannah, in Chatham county, in the State of Georgia, was conveyed from that State to the State of Maine, by Daniel Phillbrook and Edward Killeran, citizens of the latter State, the former of whom was master and the latter mate of the schooner Boston, which had recently entered the port of Savannah. That on the 16th June, information on oath was made before a magistrate of Chatham county, that said Phillbrook and Killeran, did, on or about the 4th May last, feloniously inveigle, steal, take and carry away, without the limit of the State of Georgia, the slave Atticus; and that said defendants, after the commission of said felony, had fled from justice. A warrant for the arrest of said defendants, was thereupon issued by the magistrate, before whom the information was made, on the same day; to which the officer charged with its execution, returned, that they were not to be found in the county of Chatham. On the 21st day of the same month, Governor Schley of Georgia, made a demand of the executive of Maine, of Phillbrook and Killeran, as fugitives from the justice of Georgia; and transmitted with his demand, a copy of the affidavit and warrant, with the return thereon duly authenticated.

On the 16th August, of the same year, Governor Dunlap of Maine, addressed a communication to the executive of Georgia, in which he declined to cause the arrest of Phillbrook and Killeran. The grounds on which this refusal was founded, having reference to the insufficiency of the information, and warrant founded thereon, are not necessary to be here stated.

In December 1837, the legislature of Georgia adopted resolutions, declaring the refusal of the executive of Maine, to surrender Phillbrook and Killeran, dangerous to the rights of the people of Georgia, and directly and clearly in violation of the plain letter of the Constitution of the United States; that the State of Georgia became a party to the Federal Constitution, no less for the better protection of her own, than the common rights and interests of all, and that when these ends are defeated, she is released from the obligations of that compact, and it has become her right and her duty to provide protection for her people in her own way: that when an indictment should be found against Phillbrook and Killeran, the executive be requested to renew the demand for their arrest; and if the demand be again refused by the executive of Maine, that a copy of its resolutions be transmitted to the executive of each State in the Union, to be laid before their respective legislatures, &c.

On the 7th February, 1838, an indictment was regularly found against said defendants; and Governor Gilmer of Georgia, the successor of Governor Schley made upon Governor Kent, the successor of Governor Dunlap, the demand, requested by the legislature of Georgia, and accompanied that demand with a copy of the indictment found, and the proceedings on which it was founded duly authenticated.

On the 25th June, Governor Kent, declined to order the arrest and surrender required by the authorities of the State of Georgia. He admits the grounds of his predecessor's refusal, are removed by the indictment found and that a copy of the indictment for "stealing a man alleged to be a slave" as he is pleased to designate the charge, is sufficient evidence that the alledged fugitives from justice, are charged with a crime, but sees no evidence that they are fugitives from justice, and when this arrest is demanded as a right, claims for the executive of Maine, the right to be satisfied of the existence of this fact, as one of the conditions of the demand.

On the 19th August, 1839, Governor Gilmer addressed a communication to Governor Fairfield, the successor of Governor Kent, desiring to be informed of the action of the legislature of Maine, on the subject of the resolutions of the legislature of Georgia, and received for answer the proceedings of the legislature of Maine, declaring it inexpedient to legislate on the subject, as it is exclusively within the province of the executive department.

Such is a brief history of the controversy between the States of Maine and Georgia. The technical grounds on which the refusal of the executive of the former State was placed (insufficient as they shall presently be shown to be, could only have been presented to mask an unjustifiable encroachment on the rights of Georgia, on account of the species of property involved in the issue. It was reserved for the executive of another State to throw off this reserve; and to bring boldly into question, rights which had been conceded to the slaveholding States, under the Constitution and Laws of the United States, for half a century.

The facts in relation to the controversy between the States of Virginia and New York are these, "In July, 1839, the executive of Virginia, made a demand upon the Governor of New York, for the surrender of Peter Johnson, Edward Smith and Isaac Gansey, attached to the schooner Robert Center, *then* in New York, who were duly charged by affidavit regularly made before Miles King, Mayor and Justice of the Peace for Norfolk, with having feloniously stolen, and taken from John G. Colley, a certain negro slave Isaac, the property of said Colley. The Governor of New York, refused to comply with the demand, and assigned as a reason for his refusal, that the right to demand and the reciprocal obligation to surrender fugitives from justice, between sovereign and independent nations, as defined by the law of nations, includes those cases only, in which the acts constituting the offence charged, are recognized by the universal law of all civilized nations: that the object of the provision in the Constitution of the United States, relative to the demand of fugitives from justice, was to recognize and establish this principle in the mutual relations of the States, as independent, equal, and sovereign communities; that the provision only applies to those acts, which, if committed within the jurisdiction of the State in which the person accused is found, would be treasonable, felonious, or criminal, by the laws of that State, that no law of New York at this time recognized, no statute admitted, that one man could be the property of another, or that one man could be stolen from another, and that consequently, the laws of the State making the stealing of a slave felony, did not constitute a crime, within the meaning of the constitution."

Your committee did not feel themselves bound to examine the question, whether, by the law and comity of nations, upon a charge of larceny it was the duty of the Governor of New York, to have surrendered these fugitives, from justice. It would, however, have been easy to have maintained the affirmative of the proposition, even by the judicial decisions of that State. In Washburn's case the chancellor said, "It has been suggested that theft is not a felony of such an atrocious nature as to fall within the usage of nations on this point. But the crimes which belong to this usage of nations are not specially defined; and those which strike deeply at the rights of property, and are inconsistent with the safety and harmony of commercial intercourse, come within the mischief to be prevented, and within the necessity as well as the equity of the remedy. If larceny may be committed and the fugitive protected, why not compound larceny as burglary and robbery; and why not forgery and arson? Considering the great and constant intercourse between this State and the province of Canada; and the entire facility of passing from one dominion to another, it would be impossible for the inhabitants on the respective frontiers to live in security, or to maintain a friendly intercourse with each other, if thieves could escape with impunity merely by crossing the territorial line." [4 Johns. Ch. R. 113.] This reasoning applies with increased force to a crime which strikes deeply at the rights of property in the south, and which, by sowing discord, may interrupt the intercourse between the north and south, and finally impair the permanency of the Union. It is a melancholy reflection, that the executive of one of the States which have been so long united by a common government, institutions and language; by conflicts in which they have met a common foe, and reaped a common glory, should assume a position on this subject, which, even between foreign nations, might involve them in war and bloodshed.

It is not, however, the intention of your committee to leave the argument on the ground of the law of nations; for they are aware that eminent jurists, have differed as to the grade of the offence, which would authorize a demand of this kind by one sovereign; and the degree of discretion which may be exercised by another in surrendering the fugitive. The Constitution of the United States, which was intended "to form a more perfect Union, establish justice, and ensure domestic tranquility" and to remedy all defects in the international law relative to the matter, provides, "that a person charged in any State with treason, felony or other *crime*, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to the State having jurisdiction of the crime." The articles of confederation contained a clause in the following words." If any person guilty of treason, felony or other *high misdemeanor* in any State shall flee from justice," &c. When the draft of the constitution was under discussion on the 28th August, 1787, it was moved to strike out the words "high misdemeanor" and insert the words "other crime" which motion prevailed.

The effect and construction of the clause as it now stands, has been lucidly defined by the highest judicial tribunal of the State of New York, the executive of which, now assumes principles of construction, unauthorized by the whole current of decisions in his own State; and so unfriendly to the harmonious intercourse of the States. In carrying into effect this clause, "We have," says Chief Justice Savage, "nothing to do with the comity of nations, unless, perhaps, to infer from it, that the framers of our constitution and laws, intended to provide a more perfect remedy; one which should reach *every offence* criminally cognizable by the laws of any of the States; the language being "treason, felony, or other crime." "Had our constitution been silent on this subject, the practice arising from the comity of nations would be applicable; and before we would surrender in one State, any person demanded by another as a fugitive from justice, it would be our duty to examine into the evidence of the alledged crime, and be satisfied that no reasonable doubt existed as to his guilt. But under our Federal Government, this matter has been regulated and we are not left to the uncertainty arising from an inquiry in one State, into the particulars of an offence committed in another." "Every person," says he, "who is *charged* with a crime in one State and shall flee into another, shall be given up. It is not necessary to be shown that such person is guilty." In summing up, the Chief Justice says, "In order to give the Governor of this State jurisdiction in such cases, three things are requisite. 1. The fugitive must be demanded by the executive of the State from which he fled. 2. A copy of an indictment found, or an affidavit made before a magistrate, charging the fugitive with having committed a crime. 3. Such copy of the indictment or affidavit must be certified as authentic by the executive. [Clark's case 9 Wendel.]

This able exposition of constitutional doctrines, completely demonstrates the unsoundness of the grounds taken by the Executive of Maine and New York, to justify their refusal to surrender said fugitives from justice; and it is only necessary for your committee, before closing this branch of inquiry, to notice several extraordinary positions advanced by Governor Seward. He says "that the provision, (of the constitution,) only applies to those acts, which, if committed within the jurisdiction of the State in which the accused is found, would be treasonable, felonious or criminal by the laws of that State." After the calmest examination, we cannot find any authority or reason for the doctrine. It is even at variance with the laws which govern the intercourse between separate sovereignties. The principle that wheresoever a crime has been committed, the criminal is punishable according to the "*lex loci*" of the country, against the law of which the crime was committed, has been long settled, and re-affirmed even by the judiciary of New York, (4 Johns. Ch. R. 111.) The reason on which this rule is founded is, that whenever any individual voluntary enters the territory of a foreign country, an implied obligation is imposed upon him, to submit to the laws of that country. This obligation is infinitely strengthened when arising from intercourse between the States, the citizens of each of which, "are entitled to all the privileges and immunities" of the citizens of any State which they may choose to visit. But the most astonishing ground assumed by Gov. Seward, is that, "no law of New York at this time, no statute admitted, that one man could be the property of another man, and that consequently the laws of Virginia, making the stealing of a slave felony, did not constitute a crime within the meaning of the constitution." Your committee would esteem it beneath the dignity of Southern men, to debate the moral right to our property. Other branches of the inquiry have received, at their hands, the most careful and deliberate investigation; we would degrade the land which has given us birth, by calmly entertaining a question, which strikes at the root of her institutions. The Constitution of the United States, was based upon *compromise*, and the security of Southern property was a special subject of *compromise*. When the Constitution shall prove no longer a safeguard for our rights; and its torn fragments shall be scattered by the fierce winds of fanatacism, relying upon those rights conferred by the God of nature, and reserved in all national compacts, we will confidently appeal to the strong arms and bold hearts of the South, against such unrighteous interference.

It is, also, made the duty of your committee, to consider of so much of the message of his Excellency, the Governor of this State, as relates to the disposition manifested in so many quarters, and in such a variety of shapes, to interfere with the question of slavery in those States where it exists, under the sanction of the Constitution. In alluding to this subject, his Excellency remarks, that "it has so clearly assumed a political aspect and threatens the stability of the Government, as to render it an imperious duty to bring the subject before the Legislature." The able and spirited manner in which these positions are discussed in the message, have induced your committee to give the following extracts from that document:

"I feel no assurance, however, that the most righteous course on our part, will ensure our future tranquility upon this subject—indeed, from present indications, I am strongly inclined to think that it will not. A fervent attachment to the union of the States, and an ardent desire that that union might be perpetuated, has rendered me averse to the agitation of any question that would be likely to weaken the bonds which unite us as one people. There is, however, a point in public, as well as private affairs, beyond which forbearance ceases to be a virtue. And, when we see regularly organized societies, for the avowed purpose of abolishing slavery, infesting considerable portions of our country, disseminating their pestilential doctrines in every direction—when we see American citizens, unmindful of all the obligations that ought to bind them to their country, confederating with foreigners for the purpose of disturbing rights, secured to us by a compact to which the States of the Union are parties; when we see the Halls of Congress, flooded session after session, with petitions asserting the right of Congress to abolish slavery in the District of Columbia, (no doubt with a view of extending the same principle to the States,) and to inhibit the traffic of slaves between the States, and importuning them to exert it—when we see the question of abolition made a test for the highest offices in many of the States—when we see the State Legislatures in their high representative capacity, adopting resolutions denouncing slavery as a political evil, and one that ought to be abolished—when we behold the Legislature of one State enacting laws giving to runaway slaves the right of trial by jury, to decide upon the question of property in said slave, and the trial to take place in a community where slavery is daily denounced as a curse, and slaveholders as monsters and tyrants; and the Governor of another State refusing to surrender persons charged with stealing slaves when demanded by the proper authority—when we see the two branches of the Legislature of one of the oldest States in the Union, pass a bill through both houses of the General Assembly, legalizing marriages between negroes and white people, and the country only saved from the disgrace of such a measure by the veto of the Governor—when we behold, in various quarters of the Union, the professors of a pure and holy religion, and the pretended disciples of its divine and immaculate Author, declaring that slavery is a sin, which admits neither of extenuation or excuse, and throwing their exertions into the stream that threatens to overwhelm us, by inciting our slaves to acts of rebellion, insurrection and murder; it is time to awake from the state of fancied security in which we have hitherto reposed."

"Neither are the exertions making in other countries, calculated to allay our apprehensions upon this subject. Within the present year, a Convention, at which some Americans, unworthy of the name, were present as members, was holden in the metropolis of the British Empire, the object of which was the abolition of negro slavery throughout the world. And the proceedings of this foreign convention, aiming a fatal blow at the rights and safety of one entire section of the United States, have been heralded through the public mail under the official frank of the representatives of a portion of the people of the United States. Perhaps it is not so remarkable that religious fanatics and political zealots in England, shuddering at the recollection of the horrors of the African slave trade, which combined in its practice the dreadful crimes of kidnapping, piracy and murder, and in which the Dutch and English were the first, and beyond all comparison the greatest offenders, should be anxious to expiate their own sins, by attempting to disturb the relation of master and slave in other countries; but it is greatly to be regretted that any portion of the people of this country, should be so much under the influence of their ancient tyrannical masters as to have fallen into the same unhappy delusion."

Your committee have given to this part of the message the most serious attention. It is a bold array of undoubted facts, all tending to shew the progress of fanatical principles; and which should rouse in the people of the South, a corresponding spirit of resistance. In connexion with the refusal to deliver fugitive criminals, the message alludes to a law, recently passed by the Legislature of New York, which allows to runaway slaves, the privilege of trial by jury, and by its oppressive provisions, deprives the owner of a slave, who has escaped into that State, of the *summary* remedy for his recovery, provided by the Constitution of the United States and the act of 1793. This act, passed about four years after the adoption of the Constitution, and by a Congress, many of whom were members of the Convention which formed it, provides that the owner of a slave who may have escaped into another State, may arrest him and carry him before a judge of the Circuit or District Court of the United States, or before a magistrate, and obtain a certificate, upon the proof required, which shall be a sufficient warrant for the removal of the slave. It plainly appears, that upon the whole tenor and scope of the Constitution and act of Congress, that the fugitive slave was to be delivered up, on a summary proceeding, without the delay of a formal trial in a court of law. (5 Serg. & Rawle 62.) Indeed, a former law of the State of New York, which admitted of a trial by jury in such cases, was declared unconstitutional by the Supreme Court of that State, and the judgment affirmed in the Court of Errors. [14th Wendell's R. 507.] In a more recent case, however, the correctness of this decision was controverted before the Supreme Court, and the application patiently entertained; but the final decision has not yet been made in the Court of dernier resort. Under these circumstances, the passage of an act imposing even penitentiary punishment, on the owner of a slave who attempts to regain his property in the manner pointed out by the act of 1793, and which is clearly a concession to the spirit of abolitionism, is well calculated to create apprehension, that the judiciary of a State, which has reflected so much lustre on American jurisprudence, may yield to the same influences which have corrupted the fountain of legislation. In any event, if there should be a perseverance in these invasions of our constitutional rights, it will become the duty of the slaveholding States, (especially such as, like the State of Alabama, have sea ports, and a regular intercourse with the Northern States,) to agree upon some uniform system of defensive, or countervailing measures, to give that protection to our property, which the Constitution of the United States shall have ceased to afford.

The course pursued by our sister State, Ohio, with regard to the same subject, in enacting a law for the more effectual prevention of the escape of slaves into her territory; and of their concealment and removal to more distant regions, by a regular chain of agencies organized for that purpose, deserves our warmest commendation; and affords some ground to hope, that sentiments of fraternal affection and attachment to those loved institutions, which are dependent on the union of the States for their perpetuation, may yet triumph over the remorseless spirit of fanaticism. But we would be recreant to our duty, did we permit this and a few other instances of a similar kind in the non-slaveholding States, to blind our eyes to the fact, that for several years, political events have been transpiring, the tendency of which has been to strengthen this unrighteous cause; to give it importance by associating it with political combinations; to lessen the abhorrence which had before been felt toward abolitionists, who by the force of these combinations, have been able to occupy conspicuous positions, in the eyes of the American people; and which have 'blunted the edge of public feeling,' even in the South, on this vital question. We have heard the loud and angry waves beating against the barriers erected by the constitution, occasionally breaking over, and threatening to inundate the southern section of the Union; and the dictates of self preservation, the insurance of domestic tranquility, and the protection of our constitutional rights, all demand that the South should rise up as one man, and say to our Northern brethren that we *love* the Union—that we *love* the consecrated banner, under which our fathers first united, and "trans-Atlantic liberty first rose," and which now waves over the freest and most powerful people on earth; but that when the safeguards of the federal constitution shall become illusory, it is the solemn duty of each State to protect its own citizens. " Let us tell them mildly, but resolutely, that if they *did* introduce slaves amongst us against our remonstrance, they shall not remove them against our consent; and whilst we tolerate no impairment of our title in the halls of federal legislation, we will permit no State to convert itself into a 'city of refuge for felons,' and fugitive slaves, and no interference with our constitutional rights."

The attention of your committee has also been called by the message, to the necessity of holding a convention of the slave-holding States "at such time and place as may be deemed most advisable, in order that we may be able, upon full consultation with those whose rights are on the same footing with our own, to adopt the most effectual measures for our mutual safety and happiness." In the propriety of this measure your committee cordially concur. Conventions are of common occurrence, for the concentration of public opinion on commercial matters, or those relating to internal improvements, where large sections of our country are interested, and are frequently held for the furtherance of party purposes; and your committee cannot anticipate that objections can be reasonably made to a convention, held in reference to subjects of such vital importance to the South, as those discussed in this report.

JAMES E. SAUNDERS, Chairman.

Your committee, therefore, recommend the adoption of the following resolutions:

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it is the duty, as well as the right of each State, to insist on a faithful observance of the Federal Constitution, by each State in the Union.

Be it further resolved, That to define crimes and felonies within its jurisdiction, is an incident to the sovereignty of each State, and that no other State can question the exercise of that right.

Be it further resolved, That to demand the surrender and removal of fugitives from justice, is by the Constitution a *right*, and the arrest and surrender a *duty;* that the denial or impairment of this right is inconsistent with the constitutional obligations of a State; and subversive of the peace and good government of the other States.

Be it further resolved, That this right has been impaired, if not denied, by the authorities of Maine; that it has been denied by the Executive of New York expressly, in cases where the crime of the fugitive is charged to consist in stealing a slave, on grounds impugning our title to that species of property; that such conduct is utterly at variance with that comity which should mark the intercourse of sister States; is directly contrary to the Constitution of the United States, and that this State will never consent that any State shall become an asylum for those who are fugitives from the justice of the other States.

Be it further resolved, That, by the Constitution and laws of the United States, it is clearly the right of the owner to recover a fugitive slave, by a summary proceeding; and that the law passed at the last session of the Legislature of New York, which allows to fugitives from labor the privilege of trial by jury is unconstitutional, and was clearly a concession to the spirit of abolitionism; and if it be persisted in, it will become the duty of the slaveholding States to adopt countervailing measures.

Be it further resolved, That this State will most cordially unite with her sister States, having the same common interest, in any system of constitutional measures, which may be adjudged most advisable; to counteract the unfriendly and unconstitutional measures complained of in the foregoing resolutions; that the efforts of those who seek to interfere with the rights of the slave-holding States, have clearly assumed a political aspect, and threaten the stability of our Union; and that if (contrary to the fond hopes we have always entertained,) the Constitution shall prove to be no protection to those rights which were solemnly guarantied by its provisions, it will become the duty of this State, and all slave-holding States, to provide for the security of their property and institutions.

Be it further resolved, That, in view of the disposition manifested in so many quarters, and in such a variety of ways, to interfere with the question of domestic slavery in those States where it exists under the sanction of the Constitution, it is respectfully recommended to the people of the slave-holding States to hold a convention at an early period, and at such place as may be deemed most advisable, to enable those whose rights stand upon the same footing, upon full consultation, to adopt the most effectual constitutional measures, for their mutual safety and happiness.

Be it further resolved, That the Executive of this State be requested to transmit to the Executives of the several States, to be laid before their respective State Legislatures; to the President of the United States, and to our Senators and Representatives in Congress, a copy of the above report, and of these resolutions.

The minority of the committe on the judiciary made the following report:

The minority of the committee on the judiciary, to whom was referred joint resolutions of the State of South Carolina, in relation to the controversy between Georgia and Maine; joint resolutions of the legislature of Virginia, relative to a like controversy between that State and New York, and so much of the message of his Excellency the Governor of this State, as relates to the disposition manifested in so many quarters to interfere with domestic slavery where it exists under the sanction of the constitution, have had the same under consideration, and beg leave to submit the following report:

The minority have examined with due care, the report of the majority, and cordially unite in the views of that report, so far as relates to the unjust and unconstitutional course pursued by the States of Maine and New York upon the subject of the fugitive slaves from Georgia and Virginia. They will not consent to discuss here or elsewhere the rights of the slaveholder to demand and take his stolen slave in conformity to the act of Congress of 1793, in any State in which he may find him. They believe that this is a right of property as sacred and inviolable under the constitution of the United States, as any other of the cardinal rights belonging to the freemen of this republic. The minority concur with the majority, that it would be beneath the dignity of southern men to debate the moral right to our property: as well might a southern freeholder debate the right of soil with a northern trespasser, and quietly invoke the law of real estate, when he had the possession and right of possession in his own hands. The minority, under a confident impression that there is no difference of opinion upon this subject, or upon the subject of abolition in the south, will dismiss this branch of the subject referred to them, as the majority have already expressed the undivided opinion of the committee.

The minority will proceed to examine that portion of the report of the majority which has caused them to dissent, and give the reasons which induced them to entertain a decided but respectful difference of opinion. The minority will here remark, that this difference from the opinion of the majority does not arise from a nonconcurrence on their part in the firm and unequivocal condemnation of the unconstitutional and unjust conduct of the States of Maine and New York, upon this most interesting and delicate of all questions to the south; but upon the remedy for those evils, which the majority here proposed, that we feel bound to oppose. In the organization of the government of this confederacy, our ancestors, in anticipation of the various conflicts that would necessarily arise in its administration, over a country so various in climate, in interests, and in feeling, in order that circumstances or locality, might not favor a false interpretation of the true stipulations of its organization, wisely adopted a written fundamental law, which has prescribed not only the powers of the general government, but the relative obligations and duties of the several States, in their intercourse with each other. The minority, sensible of the responsibility which our birth-right imposes upon every citizen to transmit to posterity this form of government, and aware that conflicts which arise between the States, are of all others the most dangerous to our political existence, have been induced to examine the constitution of the United States, and ascertain the rules there prescribed, before they could acquiesce in a proposition neither more nor less than the recommendation of an alliance of the southern States for offensive or defensive operations. In section 10, article 1, of the Constitution of the United States, will be found the limitation of the powers of the several States, in which it provides that no State shall enter into a treaty, alliance, or confederation. Again, it is said, 'No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, *enter into any agreement or compact with another State,* or with a foreign power, or engage in war, unless already invaded, or in such imminent danger as will not admit of delay.' This is the language of the constitution. The inquiry then, is, does the report of the majority (founded on the message of his Excellency the Governor,) contain a proposal to enter into any agreement or compact with another State? The minority conceive that such a proposal is certainly contained in the majority report, and were slow in arriving at the conclusion, that the suggestion was in violation of the constitution of the United States, as it was sanctioned by learned gentlemen, and upon mature deliberation, recommended by the Executive to this Legislature. The minority repeat, that the report of the majority contains a proposal to enter into an '*an agreement or compact with another State.*' To prove this, we will quote the language of that report. It is this: 'The attention of your committee has also been called by the message, to the necessity of holding a convention of the slaveholding States, at such time and place as may be deemed most advisable, in order that we may be able, upon full consultation with those whose rights stand upon the same footing with our own, *to adopt the most effectual means* for our mutual safety and happiness.'

Here the majority recommend a convention of the slaveholding States—they employ the word States. The minority have been unable to find in the constitution of the United States any right of the States to assemble in convention, unless for amending that instrument. Is this the object? Unquestionably not; for the object is stated to be, 'the adoption of the most effectual measures for our mutual safety and happiness;' thereby implying that our mutual safety and happiness are so much endangered that the means now provided are not adequate to our protection. Provisions for mutual security have been surrendered by the States to the Congress of the United States, in the eighth section of the first article of the constitution, which provides that 'Congress shall have power to provide for the common defence and general welfare of the United States, to declare war, to raise and support armies, to provide for calling forth the militia, to execute the laws of the Union, suppress insurrections and repel invasions. In addition to the vested powers granted in the 8th section, we will call the attention of the majority to the reasons assigned by the people of the United States, for the adoption of the federal constitution, in which it appears that the basis of its organization was, 'in order to form a more perfect union, establish justice, *ensure domestic tranquility, provide for the common defence*, and promote the general welfare." It will then be seen, that it is the duty of Congress, in conflicts between the States, to protect their safety and happiness; or, in the language of the majority, "to adopt the most effectual measures for our mutual safety and happiness." What do the majority of the committee mean by the adoption of measures by a convention of States?—They must mean an agreement or compact between those States, or to confederate, to combine, to form an alliance or agreement with another or other States, to do a certain thing, to provide for our mutual safety and happiness.—If the convention of the southern States should assemble, it would be absurd to say that no agreement or compact was contemplated, for the majority inform us that a common danger has assembled them. Danger implies a foe, an enemy; and in this instance, an enemy to the slaveholding States of the South.—And who is the enemy that threatens our "mutual safety and happiness?" The non-slaveholding States of this Union. The object of the convention will be, then, to make preparations, offensive or defensive, against our sister States of the north and north-west. It occurs to the minority that the very object of the convention would be to violate the Constitution of the United States, as it is certainly designed to enter into a compact or agreement that does not now exist. If it does not, it will be unknown to the Constitution, which recognizes none other than such as are made in conformity to its provisions; and we are certain that there is no provision authorizing a convention of a portion of the States to adopt the most effectual measures for mutual safety and happines, which adoption, if effectual, would stand above the Constitution itself; and that instrument, in the fifth article, provides, that "this Constitution and laws of the United States, which shall be made in pursuance thereof, and all treaties made or which shall be made, under the authority of the United States, shall be the supreme law of the land." Besides, this compact or agreement of a southern convention, a small number of the parties to the old, original and sacred compact, adopting effectual measures against the others, while the Constitution was the work of all, in order to form a more perfect union. When this agreement of a part shall be formed, the agreement of the whole is violated.

The confidence of the minority in the prudence and patriotism of the majority have led us to the conclusion that the latter would do nothing, and recommend nothing that would be clearly a violation of the constitution of the United States. Suppose then the Southern States should assemble, impelled by a sense of common danger, what would they do, what means for "mutual safety" could they adopt as States, if in convention they conducted their proceedings in conformity to the constitution of the United States? They could not declare war; they could not raise and support armies; they could not provide and maintain a navy; they could not make rules for the regulation of the land and naval forces; they could constitutionally do no act conflicting with the vesed powers of Congress, and it must be conceded that every power of a belligerent character has been surrendered to the Federal Government; if then this surrender has been made, if the treaty making power has been surrendered, where is the power to make agreements, if these agreements cannot be enforced without a violation of the fundamental law, and if agreements cannot be made, whence the necessity of assembling in convention—strange body this Southern convention would be, consulting without the power to agree, and if agreeing. an agreement without the power to enforce or oblige. The minority are induced to believe, that his Excellency and the majority of the committee, have omitted a due consideration of the constitutional difficulties, and by an indignation for the fanatics of the North, so common and so proper to the South, have not perceived the conflict between that portion of the message referred, and the constitution of the United States, as the report of the majority construe the message.

The minority have not been unmindful of the position they occupy upon this question. They feel, that in their action upon it, they are called upon to act as members of the Legislature of one of the States of this confederacy, limited by and under the constitution of the United States with all the other States. That as members of the Legislature, who have according to the sixth article of the constitution of the United States, sworn to support that instrument, they cannot consent to recommend, by report or otherwise, any course which they deem in violation of the constitution. The minority do not controvert the power of the people of the States to meet, whenever, and wherever they may please to advise, consult and deliberate, the freedom of thought, of speech and communion secured to them; but at the same time, this guarrantee was secured by the constitution, they were prevented from assembling for objects foreign and hostile to the existence, and domestic tranquillity of the Union. This prohibition must exist as long as the constitution lasts. The minority feel the full force of the national right which throws off all the checks and restraints of civil rule. And whenever the Government ceases to afford mutual safety and happiness, it is the right, it is the duty of the people to subvert it, and adopt other more effectual means to secure the great ends of social life. With a due appreciation of all those rights, with an ardent attachment to the Southern States, and firm determination to protect the institutions of the South, the minority cannot, as legislators, under the obligations of an oath which they have taken, recommend a convention of the Southern States. The minority have examined the reports and resolutions of Virginia and South Carolina, and respectfully suggest, that they do not find that these States have concurred with the majority as to the expediency of a Southern convention of the slave-holding States. The reports and resolutions contain no such recommendation; but on the contrary it is the favorite doctrine of one of the States, (South Carolina) that each State is fully adequate to the redress of its own grievances. The second resolution from the Legislature of the State of Virginia declares the same doctrine in the following manner:

"*Resolved*, That the course pursued by the Executive of New York cannot be acquiesced in, and if sanctioned by that State and persisted in, it will become the solemn duty of Virginia to adopt the most decisive and efficient measures for the protection of the property of her citizens, and the maintenance of right, which she cannot, and will not, under any circumstances surrender or abandon."

The fourth resolution is conclusive as to the views of Virginia: that the Governor of Virginia be requested to open a correspondence with the Executive of each of the slave-holding States, requesting their co-operation in any necessary and proper means of redress which Virginia may be forced to adopt. Not proposing a convention for the purpose of adopting, but asking a co-operation in such measures as Virginia alone may adopt—very properly feeling that when the hour of redress against a sister State shall arrive, the Government will be in danger of dissolution. In the report from Virginia it is said, "What is the proper remedy in this case? The means of redress and protection which are within the reach of Virginia are ample. The only difficulty which your committee has had, has been in selecting *one consistent with the relations imposed upon the members of this confederacy by the constitution.*" Thus it will be seen that this injured party looked to the constitution of the United States, and felt its sacred obligations too strong to recommend any measure in violation of its provisions. The minority are unwilling to make Alabama a volunteer to a proposition so serious in its nature, that the injured State might recoil, and Virginia say that Alabama had selected one inconsistent with the relations imposed upon the members of the confedery by the constitution. The minority are unable to discover any necessity for a covention of any kind upon this subject. Conventions are usually held for the purpose of directing and concentrating public opinion; upon this subject we are all united, all vigilant, all vitally interested, all indignant, all ready to aid each other even unto death, when the time shall arrive. Let Virginia, Georgia or any other slave-holding State become involved in a controversy with a non-slaveholding State upon the question of slavery, and we know that Alabama will need no convention to invite her to co-operation; but let us not place upon Alabama the responsibility of a measure to which the aggrieved party might not accede. No State doubts Alabama's feelings—none questions her chivalry. Upon this subject the minority will speak of Alabama as the report from Virginia does of that State—her "character for chivalry is not so doubtful that she must be rash in order to seem firm."

The minority further conceive that the south would be acting inconsistently with herself, with the repeated declarations that the question was not debateable, and should not receive from our hands the dignity of a moment's deliberation. They would, at least, satisfy the unholy of zeal fanaticism, which lives upon reflected heat; they would remove from them the awful responsibility which now rests with and on them, of continuing a violation of the Constitution, by becoming ourselves the aggressors upon that instrument. They are now in the wrong—let us keep them there. Let us not become *puri delicto;* let the shame, mortification, and never-ending disgrace of effecting a dissolution of the Union, (if it should occur,) fall upon their own heads; let the disappointed hopes of posterity blame them; let the curses of the friends of freedom be aimed at them; let them overwhelm themselves in the ruin which they have wrought.

ROBERT B. CAMPBELL,
WM. M. MURPHY,
WM. M. INGE,
J. S. HUNTER,
W. H. CRENSHAW,
C. C. LANGDON,
E. YOUNG.

The minority do, therefore, from the reasons here set forth, respectfully, but firmly oppose the report and resolutions of the majority, and submit in their stead the following resolutions:

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That, that portion of the report of the majority of the judiciary committee, and of his Excellency, the Governor of this State, which recommends a convention of the slaveholding States, for the purposes therein named, are in direct violation of the provisions of the Constitution of the United States.

And be it further resolved, That the southern slaveholding States will always co operate with each other in the protection of our peculiar institutions, and will feel that they are struggling in defence of the Constitution, whenever they attempt to cherish those institutions which are a part of the objects of constitutional protection.

And be it further resolved, That we look with indignation and regret upon the flagitious interference of the abolitionists of the north with the right of property in the south, and that in this unrighteous attempt, they profane the garb of humanity, and merit the execration of the good and the wise.

And be it further resolved, That Alabama feels a common bond of union, of interests and sympathy, with the slaveholding States upon the question of slavery, and she will resist every attempt at interference on the part of our foes.

Ordered, that the reports lie on the table, and one hundred copies of each to be printed.

Mr Hall offered the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses adjourn on Saturday, the second day of January, 1841, *sine die.*

Mr Rice moved to lay the resolution on the table; which was carried. Yeas 52—Nays 35. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Blount, Clemens, Davenport, Davis of A. Davis of L. Dixon, Doster, Douglass, Fowler, Garrett, Griffin of M. Hale, Hill, Houston, Hughs, Jemison, Jones, Kelly, King, Langdon, Mallard, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Moore of Mad. Perkins, Peters, Prince, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Spruill, Strode, Walker of B. Walker of L. Wann, Williams, and Wynn.

Those who voted in the negative, are Messrs Ashurst, Barron, Bates, Bell, Bradley, Campbell, Cobb, Crenshaw, Davidson, Davis of B. Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Kidd, Little, Mann, Marchbanks, Mitchell, Moore of Marion, Moores, Norris, Peterson, Seawell, Shanks, Smith of L. Stone, Wilson, Winston of DeK. Winston of S. and Womack.

Mr Clemens from the select committee to which was referred a bill concerning county court judges, reported the same without amendment. The bill was then read and ordered to a third reading.

Mr Crenshaw introduced a bill to provide for the distribution of the three per cent fund, in proportion to the population of the several counties in this State; which was read and made the special order for a second reading on to-morrow, at twelve o'clock.

A message from the Senate by Mr Hill, their Secretary:

Mr Speaker—The Senate have concurred in the amendments made by the House to the bill to be entitled, an act to establish the general ticket system in elections for representatives in Congress from the State of Alabama.

The Senate have also adopted the following resolutions, to wit:

Resolved, That with the concurrence of the House, the two Houses will convene in the Hall of the House this day at four o'clock, for the purpose of elecing a President and six Directors for the State Bank.

Resolved, That with the consent of the House of Representatives the two Houses will assemble in the Hall of the House on Thursday the thirty-first of December, at three o'clock, p. m. to elect a President and six Directors of the Branch of the Bank of the State of Alabama, at Huntsville.

In which the concurrence of the House of Representatives is repectfully requested.

Mr Griffin of S. from the committee on enrolled bills reported as correctly enrolled bills, of the following titles, to wit:

An act to provide for the election of sheriff in certain cases:

An act to form a company beat in the county of Marshall, and for other purposes:

An act to incorporate the Tipton male and female academy:

An act to amend an act to authorize Seth Lore and William Wellborn, to erect a wharf on the Chattahoochee river, in the town of Irwinton, in Barbour county, approved December 23, 1837;

An act to change the name of William Tell Dean, and for other purposes:

An act to organize and establish patrol laws for the county of Baldwin:

An act to provide for the payment of grand and petit jurors of Dale and Wilcox counties:

An act to divorce William G. Haun from his wife Catharine Haun: and

An act to authorize the commissioners of township sixteen, range seventeen, of Montgomery county, to erect a suitable building for an academy.

Mr Perkins moved to lay the resolution from the Senate on the table, proposing to go into the election of a President and six Directors for the Bank of the State of Alabama, on Thursday at four o'clock, p. m.; which was lost.

Mr Perkins moved to strike out the words 'this day' for the purpose of inserting 'Monday next;' which was lost. Yeas 40—Nays 43. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Norris, Perkins, Peters, Peterson, Prince, Seawell, Shanks, Spruill, and Womack.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. Moore of Mad. Moore of Marion, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Williams, Wilson, Winston of DeK. and Winston of S.

Mr Perkins moved to strike out 'this day' for the purpose of inserting 'Saturday.'

Mr Moores moved to lay the resolution on the table.

Mr Reynolds moved the previous question; which was sustained. Yeas 44—Nays 40. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker. Adams, Adrian, Alexander, Blackshear, Blair, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard. Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Madison, Moore of Marion, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. and Winston of S.

Those who voted in the negative, are Messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Norris, Perkins, Peters, Peterson, Prince, Seawell, Shanks, and Womack.

The resolution was then adopted.

The resolution from the Senate proposing to go into the election of a President and six Directors for the Branch of the Bank of the State of Alabama, at Huntsville, on Thursday the thirty-first day of December, at three o'clock, was read and concurred in.

The resolution to ascertain and fix the line between the counties of Benton and Cherokee and for other purposes; being under consideration:

Mr Walker of B moved to strike out the fourth section, for the purpose of inserting a substitute in lieu thereof; which was adopted.

Mr Walker of B. moved further to amend by an addition, at the end of the second section, and by filling the blank with Major S. Allen, which was adopted.

Mr Hale moved that the resolutions be made the special order for a third reading on to-morrow; which was lost.

Mr Hall moved that the bill be indefinitely postponed.

Mr Inge moved that it lie on the table; which was lost. Yeas 38—Nays 40. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Ashurst, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davis of A. Douglass, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hughs, Hunter, Hutchinson, Inge, Jemison. Kelly, Kidd, Langdon, Little, Mallard. Mann, McAlpin, McGill, Norris, Peters, Peterson, Prince, Seawell, Shanks, Walker of B. Womack, and Wynn.

Those who voted in the negative, are messrs Speaker, Adams, Adrian, Alexander, Blair, Cobb, Davis of L. Dixon, Doster, Fowler, Griffin of M. Hale, Hill, Houston, Jones, King, Marchbanks, McClanahan, McCoy, McCullough. McLemore, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of L. Wann, Wiliams, Wilson, Winston of DeK and Winston of S.

The question recurred on the motion of Mr Hall, to postpone indefinitely; which was lost. Yeas 36—Nays 42. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Davenport, Griffin of S. Hall, Hollinger, Hughs, Hunter, Inge, Jemison, Kelly, Kidd, Langdon, Little, Mallard, Mann, McAlpin, McGill, Mitchell, Moores, Norris, Peters, Peterson, Prince, Seawell, Shanks, Smith of L. Spruill, Walker of B. and Womack.

Those who voted in the negative, are messrs Speaker, Adams, Adrian, Alexander, Blair, Cobb, Crenshaw, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of m. Hale, Hill, Houston, Jones, King, Marchbanks, McClanahan, McCoy, McCullough, McLemore, McMillion of B. McMillion of J. Moore of Madison, Moore of marion. Reynolds, Rice, Roberts, Russell. Saunders, Smith of J. Stone, Strode, Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Reynolds moved to refer the resolutions to a select committee, with instructions so to amend the resolutions as to make the report of the surveyors returnable to the next General Assembly; which was carried.

Mr Shanks moved to suspend the orders of the day, with a view to take up the bill making appropriations for the payment of members of the Geneal Assembly, and the officers of the two Houses: which was carried. Yeas 50—Nays 32. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Adams, Alexander, Barron, Bates, Bell, Blackshear, Bradley, Campbell, Cobb, Davenport, Davidson, Davis of B. Davis of L. Doster, Douglass, Flemming, Fowler, Griffin of m. Hale, Hall, Hollinger, Hunter, Inge, Jones, Kelly, Kidd, King, Little, Mallard, Marchbanks, McAlpin, McCoy, McLemore, Moore of marion, Peters, Reynolds, Rice, Roberts, Russell, Seawell, Shanks, Smith of J. Smith of L. Spruill, Strode, Walker of L. Williams, Wilson, Winston of DeK. and Womack.

Those who voted in the negative, are messrs Speaker, Adrian, Blair, Blount, Crenshaw, Davis of A. Dixon, Fitzpatrick, Griffin of S. Hill, Houston, Hughs, Hutchinson, Jemison, Langdon, McClanahan, McCullough, McGill, McMillion of J. Mitchell, Moore of mad. Moores, Norris, Perkins, Peterson, Prince, Saunders, Stone, Walker of B. Wann, Winston of S. and Wynn.

The bill was then read the second and third time forthwith and passed.

Ordered, that the clerk acquaint the Senate therewith.

The bill to provide for the payment of certain claims against the State, being under consideration,

Mr Rice offered the following amendment:

To T. W. Huey & Co. one hundred and seventy-one dollars and twenty-five cents, for books and stationery furnished the chancery court of Talladega.

Mr Roberts moved the previous question.

Mr Rice moved that the House adjourn until three: which was carried.

And then the House adjourned.

P. M. Session, 3 o'clock.

The House met pursuant to adjournment.

Mr Griffin of S. from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit:

An act to authorize Henry Haynes to erect a toll bridge across Thompson's creek in the county of Marshall:

An act to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county: and

An act to amend an act locating the seat of justice of Washington county and for other purposes.

The Senate having repaired to the Hall of the House of Representatives and taken their seats for the purpose of going into the election of a President and six Directors, for the Branch of the Bank of the State of Alabama, at Huntsville, a judge of the county court of Lawrence county, five Tennessee canal commissioners, and a President and six Directors for the Bank of the State of Alabama.

The two Houses first proceeded to the election of a President for the Bank at Huntsville—S. S. Ewing, Tho. Brandon and Wm. Fleming, being in nomination.

Those who voted for mr Ewing, are messrs King, Phillips and Rice, of the Senate; messrs Speaker, Ashurst, Barron, Blackshear, Blair, Bradley, Cobb, Crenshaw, Davidson, Davis of L. Dixon, Fowler, Hale, Hill, Mallard, McAlpin, McClanahan, McCoy, *M*cmillion of B. Mcmillion of J. Mitchell, Moore of mad. Norris, Norwood, Peters, Peterson, Provence, Roberts, Smith of J. Smith of L. Spruill, Walker of L. Wann, and Williams, of the House of Representatives—37.

Those who voted for mr Brandon, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, McAllister, McConnell, McVay, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack, of the Senate; messrs Adams, Adrian, Alexander, Clemens, Davis of A. Davis of B. Griffin of m. Houston, Hughs, Jones, Kelly, King, Marchbanks, McCullough, Moore of marion, Reynolds, Russell, Saunders, Stone, Walker of B. Wilson, Winston of D. Winstonof S. and Wynn, of the House of Representatives—42.

Those who voted for mr Fleming, are messrs Andress and Dent, of the Senate; messrs Bates, Bell, Blount, Davenport, Doster, Douglass, Flemming, Griffin of S. Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, *M*ann, McGill, McLemore, Moores, Prince, Rice, Shanks, Strode and Womack, of the House of Representatives—27.

Neither having received a majority of the votes given, the two Houses proceeded to vote a second time, the name of mr Fleming having been withdrawn.

Those who voted for mr Ewing, are messrs Alston, Andress, Dent, King, Oliver, Phillips, Rice, Thornton, and Womack, of the Senate; messrs Speaker, Ashurst, Barron, Bates, Bell, Blair, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Dixon, Doster, Flemming, Fowler, Griffin of S. Hale, Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mallard, Mann, McAlpin, McClanahan, McCoy, McGill, McLemore, McMillion of B. Mitchell, Moore of madison, Moores, Norris, Norwood, Peters, Peterson, Prince, Provence, Roberts, Shanks, Smith of J. Smith of L. Spruill, Stone, Walker of L. Wann, Williams and Womack, of the House of Representatives—63.

Those who voted for Mr Brandon, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McConnell, McVay, Reese, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs Adams, Adrian, Alexander, Blackshear, Clemens, Cobb, Davis of A. Davis of B. Davis of L. Douglass, Garrett, Griffin of m. Houston, Hughs, Jones, Kelly, King, Marchbanks, McCullough, McMillion of J. Moore of marion, Reynolds, Rice, Russell, Saunders, Strode, Walker of B. Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—50.

Mr S. S. Ewing, having received a majority of the whole number of votes given, Mr Speaker declared him duly elected President of the branch of the bank of the State of Alabama, at Huntsville, for the ensuing twelve months.

The two Houses then proceeded to the election of six Directors, for the branch of the bank of the State of Alabama, at Huntsville—messrs JOSEPH C. BRADLEY, JAMES W. CAMP, ISHAM H. FENNELL, J. J. FLETCHER, JOHN J. FACKLER, JOHN PHELAN, JOSEPH RICE, JOHN T. WYCHE, and J. P. FRAZIER, being in nomination.

Those who voted for Mr BRADLEY, are messrs President, Alston, Andress, Dent. King, Oliver, Phillips, Reese, Ross, Terry, Thornton, Turner, Watrous, and Womack, of the Senate; messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Cobb, Crenshaw, Davenport, Doster, Garrett, Griffin of S. Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moore of mad. Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Provence, Rice, Seawell, Shanks, Smith of J. Spruill, Wann, Williams, Winston of DeK. and Winston of S. of the Houseof Representatives.—62.

Those who voted for mr CAMP, are messrs President, Andress, Clarke, Dent, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of F. Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Ashurst, Bates, Bell, Blackshear, Blair, Campbell, Clemens, Cobb. Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Garrett, Griffin of m. Hall, Hill, Hollinger, Houston. Hughs, Hunter, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Marchbanks, McClanahan, McCoy, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Murphy, Norris, Perkins, Peters, Prince, Reynolds, Roberts, Russell, Saunders, Seawell, Spruill, Stone, Strode, Walker of B. Wilson, Winston of DeK. Winston of S. Womack and Wynn, of the House of Representatives—90.

Those who voted for mr FENNELL, are messrs President, Alston, Farrar, Hudson, Hall. Jones, King, McAllister, McConnell, McVay, Phillips, Rodgers, Smith, Terry, Toulmin, Wilson of F. and Wilson of J. of the Senate; Messrs Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon. Doster, Douglass, Fitzpatrick, Fowler, Garrett, Griffin of m. Griffin of S. Hale, Hill, Hollinger, Houston, Hughs, Hunter, Jemison, Jones, Kelly. Kidd, King, Langdon, Little, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of marion, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Wann, Williams, Wilson, Winston of DeK. Womack, and Wynn, of the House of Representatives—90.

Those who voted for mr FLETCHER, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of J. and Womack, of the Senate; messrs Speaker, Alexander, Barron, Bates, Blackshear, Campbell, Cobb, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Griffin of m. Hale, Houston, Hunter, Jones, Kelly, King, Mallard, Mann, Marchbanks, McAlpin, McClanahan, McCullough, Moore of mad. Moores, Peterson, Reynolds, Russell, Saunders, Seawell, Smith of J. Smih of L. Stone, Walker of L. Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—61.

Those who voted for mr Fackler, are messrs President, Alston, Andress, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Ross, Smith, Terry, Thornton, Toulmin, Turner, and Wilson of F. of the Senate; messrs Speaker, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blair, Blount, Bradley, Crenshaw, Davenport, Davis of L. Douglass, Fitzpatrick, Fowler, Griffin of S. Hall, Hollinger, Houston, Hughs, Hunter, Hutchinson, Inge, Jemison, Kidd, King, Langdon, Little, Mallard, Mann, McAlpin, McCoy, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Provence, Roberts, Saunders, Seawell, Shanks, Smith of L. Spruill, Strode, Walker of B. Walker of L. Wilson, Womack and Wynn, of the House of Representatives—85.

Those who voted for mr Phelan, are messrs Clarke, Creagh, Dent, Farrar, Hall, Jones, McConnell, McVay, Oliver, Rice, Rodgers, Ross, Smith, Wilson of F. Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Bradley, Clemens, Cobb, Crenshaw, Davidson, Davis of A. Davis of B. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Garrett, Griffin of S. Hale, Hill, Houston, Hughs, Hutchinson, Jones, Kelly, Kidd, Mallard, Mann, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of b. McMillion of J. Moore of mad. Moore of marion, Moores, Peters, Peterson, Provence, Reynolds, Rice, Roberts, Russell, Seawell, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Womack and Wynn, of the House of Reps.—79.

Those who voted for mr Rice, are messrs Alston, Andress, Clarke, Creagh, Dent, Farrar, Hudson, Hall, McAllister, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Thornton, Toulmin, Turner, Watrous, Wilson of F. Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Bell, Blackshear, Blair, Blount, Campbell, Clemens, Cobb, Davenport, Davis of A. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Griffin of m. Hale, Hall, Hill, Hollinger, Hughs, Jones, Kelly, King, Langdon, Little, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McLemore, McMillion of B. Moore of mad. Murphy, Norwood, Prince, Provence, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Smith of J. Stone, Walker of B. Walker of L. Wann, Williams, and Womack, of the House of Representatives—76.

Those who voted for mr Wyche, are messrs Alston, Andress, Creagh, Dent, Jones, King, McConnell, Oliver, Phillips, Reese, Ross, Terry, Thornton, Turner, Watrous and Womack, of the Senate; messrs Adams, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Doster, Flemming, Garrett, Griffin of m. Griffin of S. Hale, Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McLemore, McMillion of J. Mitchell, Moore of marion, Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Provence, Rice, Seawell, Shanks, Smith of L. Spruill, Strode, Walker of L. Wann, Williams, Winston of S. and Womack, of the House of Representatives—72.

Those who voted for mr Frazier, are messrs President, Alston, Andress, Clarke, Creagh, Hudson, Hall, Jones, King, McAllister, McVay, Oliver, Rice, Rodgers, Smith, Toulmin, Watrous, Wilson of F. Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Blackshear, Blair, Blount, Bradley, Clemens, Cobb, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hill, Houston, Hughs, Jemison, Jones, Kelly, Kidd, King, Mallard, Mann, Marchbanks, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of Marion, Norwood, Perkins, Peters, Provence, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—89.

Messrs James W. Camp, I. H. Fennell, J. J. Fackler, John Phelan, Joseph Rice and Joseph C. Frazier, having received a majority of the whole number of votes given, Mr Speaker declared them duly elected, Directors for the Branch of the Bank of the State of Alabama, at Huntsville, for the ensuing twelve months.

The two houses then proceeded to the election of a Judge of the county court of Lawrence county—John B. Sale and William P. McMahon being in nomination.

Those who voted for mr Sale. are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Alexander, Blackshear, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Madison, Moore of Marion, Provence, Reynolds, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. and Wynn, of the House of Representatives—65.

Those who voted for mr McMahon, are messrs Alston, Andress, Dent, King, Oliver, Phillips, Ross, and Thornton, of the Senate; messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Rice, Seawell, Shanks, Spruill, Winston of S. and Womack of the House of Representatives—51.

John B. Sale, having received a majority of the whole number of votes given, mr Speaker declared him duly and constitutionally elected Judge of the County Court of Lawrence county, for the ensuing six years.

The two houses then proceeded to the election of five Tennessee Canal Commissioners—Isaac Lane, James Irwin, Tho. J. Foster, John Boardman, James Weakley, George Simmons, John Cunningham, Benjamin Ingram, William Richardson, James M. Commons, being in nomination.

Those who voted for mr Boardman, are messrs President, Alston, Andress, Hudson, King, Phillips, Reese, Ross, Thornton, Turner, and Watrous, of the Senate; messrs Speaker, Alexander, Ashurst, Barron, Blount, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Fitzpatrick, Fowler, Griffin of M. Hale, Hutchinson, Jones, Kelly, Kidd, Langdon, Little, Mallard, Mann, McAlpin, McClanahan, McCoy, McCullough, McLemore, McMillion of J. Mitchell, Moore of Madison, Moores, Norris, Perkins, Peters, Prince, Reynolds, Russell, Saunders, Seawell, Stone, Strode, Wann and Wilson, of the House of Representatives.—54.

Those who voted for mr Cunningham, are messrs Clarke, Dent, Farrar, Hall, Jones, McVay, Rice, Rodgers. Smith, Terry, and Toulmin, of the Senate; messrs Alexander, Bell, Davis of A. Davis of L. Doster, Douglass, Griffin of s. Hill, McCoy, McCullough, McGill, Reynolds, Rice, Saunders, Smith of J. Smith of L. Stone, Winston of S. and Wynn, of the House of Representatives—30.

Those who voted for mr Foster, are messrs President, Alston, Andress, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, Oliver, Phillips, Reese, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of J. and Womack, of the Senate; messrs Speaker, Ashurst, Barron, Bates, Bell, Blair, Blount, Campbell, Clemens, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Doster, Fitzpatrick, Flemming, Fowler, Griffin of m. Griffin of s. Hale, Hall, Hollinger, Hutchinson, Inge, Jones, Kelly, Kidd, Langdon, Little, Mallard, Mann, McAlpin, McClanahan, McCoy, McGill, McLemore, McMillion of J. Mitchell, Moore of mad. Moores, Norris, Perkins, Peters, Prince, Rice, Roberts, Russell, Saunders, Seawell, Smith of J. Stone, Strode Wann, Wilson, Winston of S. and Womack of the House of Representatives—81.

Those who voted for mr Irwin, are messrs President, Alston, Andress, Creagh, Hudson, King, McVay, Phillips, Reese, Rice, Ross, Thornton, Turner, Watrous, Wilson of J. of the Senate; messrs Speaker, Ashurst, Barron, Bates, Blair, Blount, Campbell, Clemens, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Doster, Douglass, Fitzpatrick, Fowler, Griffin of m. Hale, Hall, Hill, Hutchinson, Inge, Jones, Kelly, Kidd, Langdon, Little, Mallard, Mann. McAlpin, McClanahan, McCoy, McGill, McLemore, McMillion of J. Mitchell, Moore of mad. Moores, Norris, Peters, Prince, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Strode, and Wann, of the House of Representatives—65.

Those who voted for mr Ingram, are messrs Clarke, Dent, Farrar, Hall, McVay, and Rodgers, of the Senate; messrs Alexander, Ashurst, Bates, Blair, Campbell, Crenshaw. Douglass, Flemming. Hale, Hutchinson, Inge, Little, Mann, McCullough, Norris, Rice, Roberts, Smith of L. and Stone, of the House of Representatives—25.

Those who voted for mr Lane, are messrs President, Alston, Andress, Creagh, Hudson, King, Phillips, Reese, Rice, Ross, Watrous, and Womack, of the Senate; messrs Speaker, Campbell, Davis of B. Fitzpatrick, Fowler, Hall, Hill, Inge, Jones, Kelly, Kidd, Langdon, Little, Mallard, Mann, McAlpin, McClanahan, McGill, McLemore, McMillion of J. Mitchell, Moore of madison, Perkins, Reynolds, Roberts, Russell, Smith of J. Strode, and Wann, of the House of Representatives—41.

Those who voted for mr Ashurst, are messrs King, Phillips, Reese, Thornton, and Watrous, of the Senate; messrs Ashurst, Barron, Bates, Bell, Blount, Crenshaw, Davidson, Davis of B. Davis of L. Doster, Fitzpatrick, Griffin of m. Griffin of s. Hall, Hutchinson, Langdon, McAlpin, McCoy, Moores, Norris, Perkins, Peters, Prince, Seawell, Stone, and Wynn, of the House of Representatives—30.

Those who voted for mr Weakly, are messrs President, Andress, Creagh, Hudson, Jones, McVay, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, and Wilson of J. of the Senate; messrs Speaker, Alexander, Barron, Bates, Bell, Blair, Blount, Campbell, Clemens, Davidson, Davis of A. Douglass, Fowler, Griffin of m. Griffin of s. Hale, Hall, Hill, Inge, Jones, Kelly, Kidd, Mallard, McClanahan, McCullough, McGill, McLemore, McMillion of J. Mitchell, Moore of madison, Moores, Peters, Prince, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Smith of L. Smith of J. Strode, Wann, Wilson, Winston of S. and Wynn, of the House of Representatives—61.

Those who voted for Mr Commons, are messrs Alston, Clarke, Creagh, Dent, Farrar, Hall, Jones, Rodgers, Smith, Terry, Toulmin, Turner, and Wilson of J. of he Senate; messrs Clemens, Walker of B. Wilson, Winston of S. and Wynn, of the House of Representatives—19.

Those who voted for mr SIMMONS, are messrs Clarke, Dent, Farrar, Hall, Jones. McVay, Smith, Terry, Toulmin, and Wilson of J. of the Senate; messrs Alexander, Bell, Blair, Clemens, Doster, Douglass, Griffin of s. Hill, McCullough, Perkins, Reynolds, Rice, Smith of L. Wilson, Winston of S. and and Wynn, of the House of Representatives—26.

Messrs BOARDMAN, FOSTER, IRWIN, and WEAKLY, having received a majority of the votes given, mr Speaker declared them duly elected Tennessee Canal Commissioners.

Neither of the others having received a majority of the votes given, the two houses proceeded to vote for one Tennessee Canal Commissioner—messrs CUNNINGHAM, LANE and RICHARDSON, being in nomination.

Those who voted for mr CUNNINGHAM, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Reese, Smith, Terry, Toulmin, and Wilson of J. of the Senate; messrs Speaker, Adrian, Alexander, Ashurst, Bates, Blackshear, Blount, Cobb, Davidson, Davis of B. Dixon, Douglass, Griffin of M. Hale, Hill, Hollinger, Houston, Hughs, Inge, Kelly. King, Mallard, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McGill, McMillion of J. Moore of marion, Peters, Prince. Rice, Saunders, Smith of J. Smith of L. Spruill, Stone, Walker of B. Walker of L. Wann, Wilson and Winston of s. of the House of Representatives—58.

Those who voted for mr LANE, are messrs Alston, Andress, Oliver, Phillips, Rice, Ross, Watrous, Wilson of F. and Womack, of the Senate; messrs Adams, Bell, Blair, Bradley. Davis of B. Doster, Fowler, Griffin of s. Jones, Kidd, Langdon, Mann, McMillion of B. Mitchell, Reynolds, and Strode, of the House of Representatives—25.

Those who voted for mr RICHARDSON, are messrs Thornton and Turner of the Senate; messrs Barron, Crenshaw, Davis of L. Fitzpatrick, Hall, Hutchinson, Jemison, Moore of madison, Norris, Perkins, and Wynn of the House of Representatives—13.

MR CUNNINGHAM having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Tennessee Canal Commissioner.

The two houses proceeded to the election of a President of the Bank of the State of Alabama—JOHN MARRAST alone being in nomination.

Those who voted for mr MARRAST, are messrs President, Andress, Buford, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Oliver, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of F. and Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Adrian. Alexander, Ashurst, Barron, Bates, Blackshear, Blair, Blount, Bradley, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M. Griffin of s. Hale, Hall, Hill, Hollinger. Houston, Hughs, Inge, Jemison, Jones, Kelly, Kidd, King, Langdon, Little, Mallard, Mann, Marchbanks, McAlpin, McClanahan, McCoy, McGill, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of Marion, Moores, Murphy, Peters, Peterson, Prince, Reynolds, Rice, Roberts Saunders, Seawoll, Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of s. Womack and Wynn, of the House of Representatives—104.

Mr MARRAST having received one hundred and four votes, being the whole number given, mr Speaker declared him duly elected President of the Bank of the State of Alabama.

The two houses then proceeded to the election of six Directors for said Bank—messrs *Robert Caruthers, Wm. Clare, Lincoln Clark, James H. Dearing, James M. Dunlap, John Duffee, Peter Donaldson, James Guild, James Hogan, John Neilson, John M. Norment, John Owen, Jones M. Withers, and Joel White,* being in nomination.

Those who voted for mr CARUTHERS, are messrs Alston, Dent, King, Oliver, McConnell, Rodgers, Thornton and Watrous, of the Senate; messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Crenshaw, Davenport, Davis of B. Doster, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of s. Hall, Hill, Hollinger, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McMillion of B. Mitchell, Moore of marion, Murphy, Norwood, Perkins, Peters, Peterson, Prince, Spruill, Wann, and Womack, of the House of Representatives—48.

Those who voted for mr CLARE, are messrs President, Clarke, Creagh, Farrar, Hall, McAllister, McConnell, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Adams, Adrian, Alexander, Blackshear, Blair, Bradley, Campbell, Clemens, Cobb, Davis of A. Davis of L. Dixon, Fitzpatrick, Garrett, Griffin of m. Hale, Houston, Hughs, Hunter, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McGill, Mcmillion of B. Mcmillion of J. Moore of mad. Moore of marion, Moores, Norris, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of S. and Wynn, of the House o Representatives—67.

Those who voted for mr DEARING, are messrs President, Andress, Buford, Clarke, Creagh, Farrar, Hall, McAllister, McVay, Reese, Smith, Thornton, Toulmin, Turner and Wilson of F. of the Senate; messrs Adrian, Alexander, Blackshear, Blair, Campbell, Cobb, Davidson, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of m. Hill, Hollinger, Houston, Hughs, Hunter, Inge, Jones, Kelly, Kidd, King, Mallard, Marchbanks, McClanahan, McCoy, McCullough, McLemore, McMillion of B. McMillion of J. Prince, Reynolds, Russell, Saunders, Smith of J. Smith of L. Walker of B. Wann, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—58.

Those who voted for mr DUNLAP, are messrs Alston, Andress, Buford, Dent, King, Oliver, Reese and Womack, of the Senate; Ashurst, Barron, Bates, Bell, Blount, Bradley, Crenshaw, Davis of B. Doster, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McGill, McLemore, Mitchell, Moore of marion, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Spruill, Winston of DeK. and Wynn, of the House of Representatives—42.

Those who voted for mr DUFFEE, are messrs Creagh, McConnell, Reese, and Wilson of J. of the Senate; messrs Speaker, Fowler, McMillion of B. Smith of J. Wann and Winston of DeK. of the House of Representatives—10.

Those who voted for mr DONALDSON, are messrs Farrar, Terry, Toulmin, Watrous and Wilson of J. of the Senate; messrs Davis of B. Doster, Flemming, Garrett, Griffin of m. Griffin of S. Hale, Hill, Hutchinson, McCoy, Peters, Roberts, Smith of J. Wann, and Winston of DeK., of the House of Representatives—20.

Those who voted for mr GUILD, are messrs President, Alston, Andress, Clarke, Dent, Hudson, Hall, Jones, King, McVay, Oliver, Reese, Rice, Rodgers, Ross, Terry, Toulmin, Turner, Watrous, Wilson of F. and Womack, of the Senate; Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Dixon, Douglass, Hall, Hill, Houston, Hughs, Hunter, Inge, Jemison, Jones, Kelly, Kidd, King, Langdon, Mallard, Marchbanks, McAlpin, McClanahan, McLemore, McMillion of J. Mitchell, Moore of mad. Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Reynolds, Rice, Russell, Saunders, Seawell, Smith of L. Spruill, Stone, Strode, Walker of L. Wilson and Womack, of the House of Representatives—79.

Those who voted for mr HOGAN, are messrs Alston, Andress, Buford, Dent, Farrar, Hudson, King, McAllister, McConnell, McVay, Oliver, Rice, Ross, Smith, Terry, Thornton, Toulmin, Watrous, Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Davis of L. Doster, Fitzpatrick, Flemming, Garrett, Griffin of m. Griffin of S. Hale, Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McCullough, McGill, McLemore, McMillion of J. Mitchell, Moore of mad. Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Rice, Roberts, Seawell, Smith of J. Spruill, Stone, Strode, Walker of B. Walker of L. Wann and Womack, of the House of Representatives—80.

Those who voted for mr NEILSON, are messrs President, Buford, Clarke Creagh, Farrar, Hudson, Hall, Jones, McAllister, McConnell, Rice, Smith, Turner and Wilson of F. of the Senate; messrs Adrian, Alexander, Blackshear, Blair, Cobb, Davis of A. Dixon, Douglass, Fowler, Hale, Hill, Houston, Hughs, Kelly, King, Mallard, Mann, Marchbanks, McClanahan, McCullough, Moore of marion, Reynolds, Rice, Russell, Saunders, Smith of L. Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—44.

Those who voted for mr NORMENT, are messrs Oliver, of the Senate; messrs Blount, Davis of B. Hutchinson, Mann and Moore of marion, of the House of Representatives—6.

Those who voted for mr OWEN, are messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Rice, Rodgers, Ross, Smith, Turner, Watrous, Wilson of F, and Womack, of the Senate; messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Clemens, Cobb, Davenport, Davidson, Davis of A. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Griffin of m. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hughs, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Smith of L. Spruill, Stone, Strode, Walkerof B. Walker of L. Wilson, Winston of DeK. Winston of S. Womack and Wynn, of the House of Representatives—95.

Those who voted for mr WITHERS, are messrs President, Alston, Andress, Buford, Clarke, Creagh, Hudson, Hall, Jones, McAllister, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Garrett, Hale, Houston, Hughs, Kelly, King, Little, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of Marion, Moores, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wilson, Winston of S. Womack and Wynn, of the House of Representatives—73.

Those who voted for mr WHITE, are messrs Alston, Andress, Buford, Dent, Hudson, King, McVay, Oliver, Rodgers, Ross, Terry, Thornton, Watrous, Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Davis of L. Doster, Douglass, Fitzpatrick, Flemming, Garrett, Griffin of M. Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moore of mad. Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Roberts, Seawell, Spruill, Stone, Strode, Walker of B. Walker of L. Winston of S. Womack and Wynn, of the House of Representatives—72.

Messrs Clare, Guild, Hogan, Owen, Withers and White, having received a majority of the whole number of votes given, mr Speaker declared them duly elected Directors of the Bank of the State of Alabama.

The two houses then proceeded to the election of a President of the Branch of the Bank of the State of Alabama, at Decatur—WM. FENNELL alone being in nomination.

Those who voted for mr FENNELL, are messrs President, Alston, Andress, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blackshear, Blair, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M. Griffin of S. Hall, Hill, Hollinger, Hughs, Inge, Jemison, Jones, Kelly, King, Little, Mallard, Mann, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Moores, Murphy, Norris, Perkins, Peterson, Prince, Reynolds, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. and Wynn, of the House of Representatives—93.

Mr FENEELL having received ninety-three votes, being the whole number given, mr Speaker declared him duly elected President of the Branch of the Bank of the State of Alabama, at Decatur.

The two houses then proceeded to the election of six Directors for said Bank—*Messrs Anderson Bean, —— Carroll, —— Glass, Thos: Lyle, —— Malone, —— McLaran, Isaac Wharton, and —— Burlison*, being in nomination.

Those who voted for Mr Bean, are messrs President, Alston, Andress. Clarke, Dent, Farrar, Hudson, Jones, King, McAllister, McConnell, McVay, Rice, Rodgers Ross, Smith, Terry, Thornton, Toulmin, Turner, and Wilson of F. of the Senate ; messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Bavis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of m. Hale, Hall, Hill, Hollinger, Houston, Hughs, Hunter, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Mann, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of madison, Moore of marion, Moores, Murphy, Prince, Reynolds, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—92.

Those who voted for mr Carroll, are messrs President, Alston, Andress, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, McAllister, McConnell, McVay, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Smith of F. and Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Hale, Hall, Hollinger, Houston, Hughs, Hunter, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Mann, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Murphy, Prince, Reynolds, Roberts, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of L. Wann, Wilson, Winston of DeK. Winston of s. and Wynn, of the House of Representatives—89.

Those who voted for mr Glass, are messrs President, Alston, Andress, Clarke, Creagh. Dent. Farrar. Hudson, Jones, King, McAllister, McConnell, McVay, Reese, Rice, Rodgers. Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Speaker, Adrian, Alexander, Barron, Bell, Blackshear, Blair, Bradley, Cobb, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster. Douglass, Fitzpatrick, Fowler, Griffin of m. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Langdon, Mallard, Mann, Marchbanks, McClanahan, McCullough, McGill, Moore of madison, Moore of marion, Moores. Murphy, Reynolds, Russell, Saunders, Seawell, Smith of L. Strode, Walker of B. Walker of L. Wann, Winston of s. and Wynn, of the House of Representatives—73.

Those who voted for mr Lyle, are messrs President, Alston, Andress, Clarke, Dent, Farrar, Hudson, Jones, King, McAllister, McConnell, McVay, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Speaker, Adams, Alexander, Barron, Bates, Bell, Blackshear, Blair, Blount, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Douglass. Fitzpatrick, Flemming, Fowler, Garrett, Griffin of m. Hale, Hall, Hill, Hollinger, Houston, Hunter, Inge, Jemison, Jones, Kelly, King, Little, Mallard, Mann, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Moores, Murphy, Prince, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn of the House of Representatives—86.

Those who voted for mr Malone, are messrs President, Alston, Andress, Clarke, Dent, Hudson, Jones, King, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Griffin of m. Hale, Hall, Hollinger, Houston, Hughs, Hunter, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. *M*oore of madison, Moore of marion, *M*oores, Murphy, Prince, Reynolds, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn, of the House Representatives—92.

Those who voted for mr McLaran, are messrs President, Alston, Andress, Clarke, Dent, Hudson, Jones, King, *M*cConnell, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blount, Bradley, Cobb, Crenshaw, Davenport, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Garrett, Griffin of m. Hall, Hill, Hollinger, Houston, Hughs, Hunter, Inge, Jemison, Kelly, King, Langdon, Little, Mallard, Mann, *M*cClanahan, McGill, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moores, Murphy, Prince, Reynolds, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—80.

Those who voted for *M*r Wharton, are messrs Farrar, Hall, *M*cAllister, McVay, Reese, and Wilson of J. of the Senate; messrs Adams, Adrian, Bates, Blackshear, Blair, Blount, Bradley, Crenshaw, Davidson, Doster, Flemming, Fowler, Garrett, Griffin of m. Hale, Hall, Hill, Hollinger, Hughs, Hunter, Inge, Jemison, Jones, Langdon, Little, Mann, *M*archbanks, McCullough, McGill, *M*cMillion of B. McMillion of J. Mitchell, Moore of marion, Moores, Norris, Paterson, Prince, Reynolds, Roberts, Russell, Smith of J. Spruill, Stone, Walker of B. Wann, Wilson, and Winston of DeK. of the House of Representatives—53.

Those who voted for mr Burlison, are messrs Creagh of the Senate; messrs Garrett and Hill, of the House of Representatives—3.

Messrs *Bean*, *Carroll*, *Glass*, *Lyle*, *Malone*, *and McLaran*, having received a majority of the whole number of votes given, mr Speaker declared them duly elected Directors of the Branch of the Bank of the State of Alabama, at Decatur.

The Senate then withdrew—and the House adjourned.

Friday, January 1, 1841.

The House met pursuant to adjournment.

Mr Speaker laid before the House a communication from the Cashier of the Branch of the Bank of the State of Alabama at Montgomery; which was read and referred to the committee on accounts.

Mr Stone from the select committee, to which was referred joint resolutions in relation to the indemnification of those citizens of Alabama, who sustained losses during the difficulties with the Creek tribe of Indians in the year 1836 and 1837, reported the same, without amendment. mr Douglass moved to lay the report on the table; which was carried.

Mr Stone from the select committee, to which was referred the petition of William G. Warren and others, of Tallapoosa and Macon counties, reported that it is inexpedient to legislate on the subject of said petition. In which the House concurred.

Mr Inge from the committee on propositions and grievances, to which was referred the petition of M. J. Turnley, reported that the prayer of the petitioner ought not to be granted. In which report the House concurred.

Mr Rice presented the account of the register in chancery, of Talladega county; which was read and referred to the committee on accounts.

Mr Saunders from the committee on the judiciary to which was referred the petition of Isaac Winston and others of Franklin county, reported a bill for the relief of certain persons therein named; which was read the first and second times forthwith.

Mr Shanks moved to lay the bill on the table; which was carried.

A message from the Governor by J. D. Bagby.

EXECUTIVE DEPARTMENT,
Tuscaloosa, December 31, 1840.

SIR—I have the honor to lay before the Senate, the annual report of the Trustees of the University of Alabama.

A. P. BAGBY.

Hon. R. A. BAKER, Speaker of the House of Representatives.

Which was laid upon the table.

A message from the Senate by Mr Hill, their Secretary.

Mr Speaker—The Senate has passed bills of the following titles, to wit:

An act to declare the West Prong of Chattahoochee river a public highway, amended by the Senate as therein shown; which originated in the House of Representatives: and

An act to compensate Burke and Lowrey, of Talladega county; which originated in the Senate.

The Senate has adopted the following resolution:

Resolved by the Senate, with the concurrence of the House of Representatives, That the two Houses assemble in the Hall of the House, on Friday, the first day of January, at seven o'clock p m. for the purpose of electing a State printer, for the year one thousand eight hundred and forty-one.

In which the concurrence of the House is requested.

The bill to incorporate the Mobile female benevolent society, was read the second time, considered as engrossed, read the third time and passed.

The bill to wind up the Courtland Land Office, was read the second time, and referred to the delegations of Lawrence, Limestone, Franklin, and Lauderdale counties.

Mr Rice moved to suspend the special order of the day.

The bill to provide for the payment of certain demands against the State, was read the second time.

Mr Jones moved to amend the bill by striking out the claim of Thomas B. Jones, on the first page, and the claims of William Owen, and Catlin J. Atkinson, on the third page; which was adopted. The bill was then read a third time.

Mr Morris wished to amend by an additional section, by way of engrossed ryder.

Mr Houston called for the previous question; which was lost. Yeas 34—Nays 44. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Speaker, Adams, Adrian, Alexander, Blair, Clemens, Cobb, Davenport, Doster, Douglass, Flemming, Hale, Hill, Houston, Hughs, Jones, Kidd, Mallard, McClanahan, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Roberts, Russell, Smith of J. Smith of L. Spruill, Walker of L. Wann, Wilson, Winston of DeK. and Wynn.

Those who voted in the negative, are messrs Barron, Bates, Bell, Blount, Bradley, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Fitzpatrick, Griffin of S. Hall, Hollinger, Hutchinson, Inge, Jemison, Langdon, Little, *Mc*Alpin, McCoy, *Mc*Cullough, Mitchell, Moores, Morris, Norris, Perkins, Reynolds, Saunders, Seawell, Stone, Strode, and Winston of S.

Mr Rice's amendment to the amendment of mr Morris was then adopted.

Mr Morris moved to reconsider the vote on the amendment of mr Rice to his amendment; which was carried.

The bill then passed.

Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

A message from the Senate, by mr Hill, their Secretary.

Mr Speaker—The Senate has passed bills of the following titles, which originated in the Senate:

An act to provide for the authentication of the record of the circuit court of mobile county, in certain cases: and

An act for the benefit of the tax collectors of marshall county.

In which the concurrence of the House of Representatives is respectfully requested.

Mr McMillion of B. from the committee on enrolled bills, reported as correctly enrolled:

An act to establish the general ticket system in elections for Representatives in Congress for the State of Alabama:

The bill from the Senate to provide for the authentication of the record of the circuit court of Mobile county, in certain cases, was read the first, second, and times forthwith, and passed.

Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate for the benefit of the tax collectors of Marshall county, was read the third time forthwith, and passed.

Ordered, that the clerk acquaint the Senate therewith.

Mr Saunders called up the Governor's message and accompanying documents.

Ordered, that the same lie on the table, and two thousand copies be printed.

The bill to declare the West Prong of the Choctawhatchee river a public highway, as amended by the Senate, was read and the amendment concurred in.

Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to compensate Burke and Lowrey, of Talladega county, was read the first, second, and third times forthwith, and passed.

Ordered, that the clerk acquaint the Senate therewith.

The resolution from the Senate proposing to go into the election of a State printer, on Friday the first day of January, at seven o'clock, P. M. being under consideration,

Mr Blair moved to amend by adding 'and two commissioners for the Choctawhatchee river;' which was adopted.

Mr *R*ice moved the previous question.

Mr Jemison moved to lay the resolution on the table; which was lost. Yeas 34—Nays 39. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Ashurst, Barron, Bates, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Flemming. Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Langdon, Little, Mann, McAlpin, McCoy, McGill, Mitchell, Moores, Norris, Perkins, Peterson, Prince, Seawell, Spruill, and Womack.

Those who voted in the negative, are messrs Speaker, Adams, Adrian, Alexander, Blair, Cobb, Davis of A. Davis of L. Dixon, Douglass, Hale, Hill, Houston, Hughs, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough. McMillion of B. McMillion of J. Moore of madison, Moore of marion, Morris, Reynolds, Rice. Roberts, Russell, Saunders, Smith of J. Stone, Strode, Walker of B. Walker of L. Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Moores moved to postpone the resolutions until monday next; which was lost.

The question then recurred on Mr Rice's call for the previous question; which was lost. Yeas 37—Nays 38. The yeas and nays being demanded,

Those who voted in the affirmative. are Messrs Adams, Adrian, Alexander, Blair, Cobb, Davis of A. Douglass. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of marion, Morris, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are Messrs Speaker, Ashurst, Barron, Bates. Blount, Bradley, Campbell, Crenshaw, Davidson, Davis of B. Davis of L. Dixon, Doster, Fitzpatrick, Fowler, Griffin of S. Hall, Hollinger. Hunter, Hutchinson, Inge, Jemison, Langdon, Little, Mann, McAlpin, McCoy, McGill, Mitchell, Moore of madison, Moores, Norris, Perkins, Peterson, Prince, Seawell, Spruill. and Womack.

Mr Hutchinson offered the following proviso as an amendment:

Provided, The term of service for which said printer may be elected, shall not extend beyond the meeting of the next General Assembly.

Mr Walker of Benton in the Chair; the Chair decided that the amendment proposed by Mr Hutchinson, was out of order.

Mr McGill moved to adjourn; which was lost.

Mr Baker moved to reconsider the vote just taken on the previous question; which was carried. Yeas 42—Nays 36. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker. Adams, Alexander, Blair, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of madison, Moore of marion, Morris, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of S. and Wynn.

Those who voted in the negative, are Messrs Adrian, Ashurst, Barron, Bates, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Langdon, Little, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Norris, Perkins, Peterson, Prince, Seawell, Spruill, Winston of De-K. and Womack.

The call for the previous question, was sustained. Yeas 41—Nays 35. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Speaker, Adams, Alexander, Blair, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, *M*cMillion of B. *M*cMillion of J. Moore of marion, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Smith ot J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are messrs Ashurst, Barron, Bates, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Langdon, Little, Mann, McAlpin, *M*cCoy, McGill, *M*cLemore, Mitchell, Moores, Morris, Norris, Perkins, Peterson, Prince, Spruill, and Womack.

The main question was then put, 'shall the resolution, as amended, be adopted?' and decided in the affirmative. Yeas 42—Nays 24. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Adams, Adrian, Alexander, Blair, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, *M*cMillion of B. McMillion of J. Moore of Madison, *M*oore of marion, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are Messrs Barron, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Fitzpatrick, Hall, Hutchinson, Jemison, Langdon, *M*ann, McAlpin, *M*cCoy, *M*cLemore, *M*itchell, Moores, Perkins, Peterson, Seawell, Spruill, and Womack.

A message from the Governor by J. D. Bagby.

Mr Speaker—I am instructed by His Excellency, the Governor, to inform your honorable body that he has approved and signed bills of the following titles, to wit:

An act in relation to bonds given by the officers of the Bank of the State of Alabama and its Branches:

An act to incorporate the town of Jasper in the county of Walker:

An act to extend the time for the collection of the county school and road tax in the county of mobile, for the year 1840:

An act to form a company beat in the county of marshall and for other purposes:

An act to amend an act to authorize Seth Lore and William Wellborn to erect a wharf on the Chattahoochee river in the town of Irwinton, Barbour county, approved December 23, 1837.

An act to change the name of William Tell Dean and for other purposes:

An act to provide for the payment of grand and petit jurors of Dale and Wilcox counties:

An act to organize and establish patrol laws for the county of Baldwin:

An act to incorporate the Tipton male and female academy:

An act to divorce William G. Haun from his wife Catharine Haun:

An act to authorize the commissioners of township sixteen, range seventeen, of Montgomery county, to erect a suitable building for an academy:

An act to authorize Henry Haynes to erect a toll bridge across Thompson's creek in the county of Marshall:

An act to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county: and

An act to amend an act for locating the seat of justice of Washington county and for other purposes:

All of which originated in the House of Representatives.

And then the House adjourned until half after three o'clock.

P. M. Session, half after 3 o'clock.

The House met pursuant to adjournment.

Mr McLemore moved to suspend the orders of the day for the present; which was carried.

The joint resolution from the Senate authorizing the Governor to cause gold medals to be made and presented to miss Mary McKirley and sisters, was read the second and third time forthwith, and passed. Yeas 53—Nays 10. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Bates, Blair, Bradley, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Doster, Fitzpatrick, Hall, Hill, Hollinger, Houston, Hughs, Hunter, Hutchinson, Jemison, Jones, Kelly, King, Langdon, Little, Mann, McAlpin, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of madison, Moores, Morris, Norris, Norwood, Peterson, Prince, Russell, Saunders, Seawell, Shanks, Smith of J. Smith of L. Spruill, Stone, Walker of L. Womack, and Young.

Those who voted in the negative, are Messrs Cobb, Davis of L. Dixon, Douglass, Fowler, Marchbanks, McClanahan, Moore of Marion, Wilson and Wynn.

A message from the Senate by mr Hill, their Secretary.

Mr Speaker—The Senate has passed a joint resolution authorizing Thomas Wilson to draw and receipt for the pay of George R. Griffin, deceased, late a member of the House of Representatives, from the county of Jackson:

The Senate has concurred in the amendment made by the House of Representatives to its resolution proposing to go into the election a State printer, by adding two commissioners for the improvement of the Choctawhatchee river:

Mr Jemison from the select committee to which was referred the bill for the government of the several Banks of the State of Alabama, in certain cases, reported the same with an amendment; which was adopted.

Mr McClanahan moved that the bill be indefinitely postponed; which was lost. Yeas 11—Nays 57. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Cobb, Davis of L. Dixon, Douglass, Fitzpatrick, Marchbanks, McClanahan, McGill, Moore of marion, Smith of J. and Wynn.

Those who voted in the negative, are messrs Speaker, Adrian, Alexander, Barron, Bates, Bradley, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Doster, Fowler, Griffin of S. Hall, Hill, Hollinger, Houston, Hughs, Hunter, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Mann, McAlpin, McCoy, McCullough, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of mad. Morris, Norris, Norwood, Perkins, Peterson, Prince, Russell, Saunders, Seawell, Shanks, Smith of L. Spruill, Strode, Walker of B. Walker of L. Wilson, Winston of DeK, Winston of S. Womack, and Young.

Mr Smith of L. moved to strike out the third section of the bill; which was carried. Yeas 52—Nays 13. The yeas and nays being demanded, Those who voted in the affirmative, are Messrs Adrian, Alexander, Barron, Bates, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Griffin of S. Hall, Hill, Hollinger, Hughs, Jemison, Jones, Kelly, King, Little, Mallard, Mann, Marchbanks, McClanahan, McCoy, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of M. Norris, Norwood, Seawell, Shanks, Smith of J. Smith of L. Walker of L. Wilson, Winston of DeK. Womack, Wynn, and Young.

Those who voted in the negative, are messrs Speaker, Houston, Hunter, Inge, Langdon, Moore of mad. Morris, Perkins, Russell, Saunders, Strode, Walker of B. and Winston of S.

Mr Jemison moved to amend by an additional section; which was adopted.

Mr Cobb, moved the previous question.

Mr Perkins moved to adjourn until seven o'clock; which was lost.

Mr Saunders moved to amend by an additional section.

Mr Hutchinson moved to amend mr Saunders' amendment.

Mr Davis of B. moved the previous question.

Mr Shanks moved to adjourn until seven o'clock.

And then the House adjourned.

NIGHT SESSION, January 1, 1841, 7 o'clock.

The House met pursuant to adjournment.

Mr Adams moved a call of the House; which was not sustained.

Mr Adams moved to call the roll; which was carried.

Whereupon the following members appeared and were present, to wit:

Messrs Adams, Adrian, Alexander, Barron, Blair, Bradley, Clemens, Cobb, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fowler, Griffin of S. Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Morris, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn—46.

There not being a quorum present,

Mr Rice moved a call of the House; which was sustained.

Whereupon the following members appeared and answered to their names, to wit:

Messrs Adams, Adrian, Alexander, Barron, Blair, Bradley, Clemens, Cobb, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fowler, Griffin of S. Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wann, Wilson, Winston, of DeK. Winston of S. and Wynn—47.

Ordered, that Messrs Griffin of m. Reynolds, Randolph, Peters, Norwood, McCoy, Young, Hale, Walker of m. Doster, Mann, and Davidson, be excused for non-attendance.

Mr Clemens moved to send for absent members; which was agreed to.

Mr Barron moved a call of the roll; which was carried.

Whereupon the following members answered to their names, and were present, to wit:

Messrs Adams, Adrian, Alexander, Barron, Blair, Bradley, Clemens, Cobb, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of S. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Morris, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn—49.

There not being a quorum present, mr Roberts moved a call of the roll; which was carried.

Whereupon the following members answered to their names, and were present, to wit:

Messrs Adams, Adrian, Alexander, Barron, Blair, Bradley, Clemens, Cobb, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of S. Hale, Hall, Hill, Houston, Hughs, Jones, Kelly, King, Langdon, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Morris, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn—52.

A quorum being present,

Mr Rice offered the following resolution, to wit:

Resolved, That the Senate be now invited into the Hall of the House of Representatives, for the purpose of electing a State printer and two commissioners for the improvement of the Choctawhatchee river; which was carried.

Whereupon the Senate repaired to the hall of the House, were seated, Mr President rose and announced the object of the meeting of the two Houses.

The two houses proceeded to the election of a State Printer—Messrs HALE & PHELAN, being in nomination.

Those who voted for messrs HALE & PHELAN, are messrs President, Buford, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, *M*cVay, Reese, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Barron, Blair, Clemens, Cobb, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fowler, Garrett, Hale, Hill. Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McAlpin, McClanahan, *M*cCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn of the House of Representatives—66.

Messrs Bradley, Griffin of S. Hall, Langdon and Mitchell, of the House of Representatives, voted for Mr SLADE.

Messrs Hale & Phelan, having received a majority of the votes given, Mr Speaker declared them duly elected State Printers for the ensuing year.

The two houses then proceeded to the election of two Commissioners for the improvement of the navigation of the Choctawhatchie River—James M. Long and Benjamin Walden, being in nomination.

Those who voted for messrs LONG and WALDEN, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McVay, Reese, Rodgers, Ross, Smith, Terry, Toulmin, Turner and Wlison of F. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Barron, Blair, Bradley, Clemens, Cobb, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of S. Hale, Hall, Hill, Houston, Hughs, Jones, Kelly, King, Langdon, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Morris, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—69.

Messrs Long and Walden, having received sixty-nine votes, being the whole number given, mr Speaker declared them duly elected Commissioners for the improvement of the Choctawhatchie river.

Ordered, that messrs Blackshear, Williams, and Provence have leave of absence for the remainder of the session.

Mr Saunders offered the following resolution, to wit:

Resolved, That the thirty-fourth rule so far as it relates to the Criminal Code be suspended, and that the same be read in the following manner: The clerk shall read the captions of each chapter, and the number of each section, without reading the body of it unless the reading of such section shall be called for—pausing each section for amendments.

Which lies over one day for consideration.

And then the House adjourned until ten o'clock to-morrow.

SATURDAY, January 2, 1841.

The House met pursuant to adjournment.

Mr Bradley from the committee on county boundaries, to which was referred the petition of sundry citizens of Washington and Sumter counties, praying a new county, reported that it was inexpedient to legislate on the subject. In which report the House concurred.

Mr Hill from the committee on accounts, to which was referred sundry claims against the State, reported a bill making appropriations for the payment of certain claims against the State, which was twice read and referred to a select committee, consisting of messrs Houston, Hill and Blount.

Mr Moores from the committee on education to which was referred sundry resolutions instructing them to inquire how many professors are attached to the University of Alabama—what is the condition and amount of the University library—what is the condition of the chemical and philosophical apparatus—reported that the communication sent to the House by the Trustees contains all the information that is essential to be known on the different subjects of inquiry. In which the House concurred.

Mr Moores from the same committee, to which was referred a resolution instructing them to inquire into the propriety of so amending the present laws as to increase the present number of the Trustees of the University, and depriving the Trustees of all pay for their services, reported a bill to amend the laws now in force as to the election of Trustees, and for other purposes. Mr Mann moved to lay the bill on the table; which was carried.

Mr McMillion of B. from the committee on enrolled bills, reported as correctly enrolled,

An act to alter the mode of assessing and collecting the tax for the county of Pickens, and for other purposes.

Mr Bradley from the committee on county boundaries, to which was referred a petition of certain citizens of Covington county, relative to the county site, reported a bill to amend an act entitled an act to ascertain and fix a permanent county site for the county of Covington; which was read the first and second time forthwith, considered as engrossed, read the third time and passed. Ordered, that the title be as aforesaid. Ordered, that the clerk acquaint the Senate therewith.

Mr Morris from the committee on divorce and alimony, to whom was referred the decree of the chancery court divorcing Lucy Waller from her husband John Waller, reported a bill to divorce Lucy Waller from John Waller, which was read the first and second time forthwith, considered as engrossed, read the third time and passed. Ordered, that the title be as aforesaid. Ordered, that the clerk acquaint the Senate therewith.

The bill for the government of the several Banks of the State of Alabama in certain cases—Mr Jemison's substitute in lieu of the amendment by Mr Saunders—being under consideration, was read and adopted.

Mr Hutchinson moved to amend by an additional section; which was adopted.

Mr Bates moved to amend by an additional section; which is as follows:

And be it further enacted, That it shall be the duty of either the State Bank or its Branches, to examine the payments made to any Bank attorney, and if more has heretofore been paid than the proper salary, the said President shall order suit to be brought for the same.

Mr Cobb moved to lay the bill on the table; which was lost.

Mr Jemison moved to amend Mr Bates' amendment, as follows: That when any Bank attorney has heretofore or shall hereafter collect of any defendant any fee not authorized by law, the same shall be refunded by the Bank, and the Bank shall proceed to collect from the attorney having thus illegally collected the same; and hereafter it shall not be lawful for any Bank to make any extra allowance to the attorney for said Bank.

Mr Morris moved the previous question; which was sustained.

The main question was then put—'Shall the bill be engrossed for a third reading?' which was decided in the affirmative.

A message from the Senate by Mr Hill, their secretary:

Mr Speaker—The Senate has passed bills of the following titles, which originated in the House of Representatives:

An act to divorce Almon A. Saunderson from his wife Susan Saunderson:

An act for the relief of Sarah A. Harris:

The Senate has passed bills of the following titles, which originated in the Senate.

An act to incorporate the Irwinton fire hook and ladder company:

An act for the payment of the Directors of the Bank of the State of Alabama and its several Branches for the year 1840:

An act to amend an act to raise a school fund to aid the valueless sixteenth sections in this State:

An act to appoint witness commissioners in the territories:

And have adopted the following resolution:

Resolved by the Senate, with the concurrence of the House of Representatives, the two houses will go into the election of a judge of the county court of Marengo county; also a judge of the county court of Baldwin county, and one commissioner for the Coosa river, at four o'clock, on Saturday, the 2d day of January instant.

Mr Moores from the select committee, to whom was referred a resolution instructing them to inquire into the claims of John M. Cooper, late contractor for the removal of the obstructions at McGrews' Shoals, on the Tombeckbee river, reported a bill for the relief of John M. Cooper, which was read the first and second time forthwith, and laid on the table.

Mr Houston from the select committee, to which was referred the bill making appropriations for the payment of certain claims against the State, reported the same with amendments which were adopted. The bill as amended was read, considered as engrossed, read a third time, and passed.

Mr Young from the select committee, to whom was referred the bill to incorporate the Greensboro' Lyceum, reported the same without amendment. The bill was then read the second time, and ordered to be engrossed for a third reading.

Mr Reynolds from the select committee to whom was referred the bill to ascertain and fix the line between the counties of Benton and Cherokee, and for other purposes, reported the same with amendments; which were concurred in. Yeas 44—Nays 24. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Speaker, Adrian, Alexander, Ashurst, Barron, Crenshaw, Davidson, Davis of A. Davis of L. Dixon, Douglass, Griffin of S. Hale, Hall, Houston, Hughs, Hutchinson, Jemison, Jones, Kelly, Little, Mallard, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of J. Moores, Norris, Peters, Peterson, Reynolds, Saunders, Seawell, Smith of J. Spruill, Strode, Walker of B. Walker of L. Wann and Womack.

Those who voted in the negative, are messrs Bates, Blair, Bradley, Campbell, Clemens, Davenport, Davis of B. Doster, Garrett, Griffin of M. Hill, Hollinger, Mann, Moore of mad. Moore of marion, Morris, Perkins, Prince, Rice, Russell, Shanks, Wilson, Winston of DeK. and Winston of S.

The bill as amended was then read, and ordered to be engrossed for a third reading.

A message from the Governor, by J. D. Bagby:

Mr Speaker—I am instructed by the Governor, to inform your honorable body, that he has approved and signed bills of the following titles, to wit:

An act to regulate the practice in the courts of chancery in this State:

An act to abolish and establish certain election precincts therein named:

An act to incorporate the Centenary Institute of the Alabama annual conference of the Methodist Episcopal Church, in the county of Dallas:

An act to authorize Henry Hunter, of Dallas county, to erect a gate or gates upon that part of the public road which runs through his land, opposite the town of Lexington, in said county, and for other purposes:

An act to attach a part of the county of Butler to the county of Conecuh:

An act to explain an act, entitled an act to appoint administrators in certain cases, approved February 5, 1840:

An act to amend an act to incorporate the Fireman's Insurance Company of Mobile:

An act to provide for elections of sheriff in certain cases:

An act for the benefit of Robert Mitchell; and

An act to alter the mode of assessing and collecting the tax for the county of Pickens, and for other purposes:

Which originated in the House of Representatives.

Mr Rice from the select committee to which was referred the petition of certain citizens of Talladega county, in relation to the White Sulphur Springs, reported a bill to provide for the protection of the White Sulphur Springs in Talladega county; which was read and ordered to a second reading.

Mr Saunders from the select committee to whom was referred the bill to wind up the Courtland Land Office, reported the same with several amendments, which was adopted. The bill, as amended, was then read, and ordered to be engrossed for a third reading.

Mr Walker of B. from the committee of conference, to which was referred a bill to repeal that part of the militia law which requires brigade encampment drills, and for other purposes, reported that the committee being equally divided, disagree in relation to the amendment made by the Senate to the bill. In which report the House concurred.

Mr Saunders introduced joint resolutions in relation to the penal code.

Mr Campbell moved to lay the resolution on the table: which was carried. Yeas 41—Nays 37. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Ashurst, Barron, Bates, Blair, Bradley, Campbell, Clemens, Crenshaw, Davidson, Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Griffin of S. Hall, Houston, Inge, Jemison, Little, Mallard, Mann, Marchbanks, Mitchell, Moore of marion, Moores, Norris, Peters, Prince, Reynolds, Russell, Seawell, Shanks, Strode, Wann, Wilson, Winston of DeK. Winston of S. Womack, and Young.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Alexander, Cobb, Davenport, Davis of A. Griffin of m. Hale, Hill, Hollinger, Hughs, Hunter, Jones, Kelly, King, Langdon, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Moore of Madison, Morris, Murphy, Perkins, Peterson, Rice, Saunders, Smith of J. Smith of L. Spruill, Walker of B. and Walker of L.

The resolution from the Senate proposing to go into the election of judges of the county court of Marengo and Baldwin counties, and a commissioner of Coosa river, at four o'clock on Saturday the tenth day of January instant, being under consideration:

Mr Jones moved to amend by adding four commissioners for the Tombeckbee river. The resolution, as amended, was adopted.

Ordered, that the clerk acquaint the Senate therewith.

Mr McMillion of B. from the committee on enrolled bills, reported as correctly enrolled:

An act to compensate Burke and Lowrey, of Talladega county:

An act to declare the West Prong of the Choctawhatchee river a public highway:

An act making appropriations for the payment of the present General Assembly and the officers of the two Houses:

An act to change the name of Ivey Boiett and for other purposes: and

An act to incorporate the town of Eutaw in Greene county:

The bill from the Senate regulating punishments under the penitentiary system, being under consideration:

Mr Mann moved that the same be indefinitely postponed: which was lost. Yeas 23—Nays 52. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Barron, Bates, Bradley, Clemens, Cobb, Crenshaw, Davidson, Davis of B. Griffin of S. Hall, Inge, Little, Mann, Marchbanks, Moore of marion, Norris, Peters, Seawell, Shanks, Strode, Winston of S. and Womack.

Those who voted in the negative, are messrs Speaker, Adams, Adrian, Alexander, Ashurst, Blair, Davenport, Davis of A. Doster, Douglass, Fitzpatrick, Griffin of M. Hale, Hill, Hollinger, Houston, Hughs, Hunter, Hutchinson, Jemison, Jones, Kelly, King, Langdon, Mallard, McAlpin, McClanahan, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moores, Morris, Perkins, Peterson, Prince, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Spruill, Walker of B. Walker of L. Wann, Wilson, Wynn, and Young.

And then the House adjourned until three o'clock.

EVENING SESSION, 3 o'clock.

The House met pursuant to adjournment.

The House resumed the consideration of the bill from the Senate regulating punishments under the penitentiary system. Chapter the second, section first:

Mr Inge moved to amend, at the end of the first section, as follows: 'or confinement in the penitentiary for life, at the discretion of the jury trying the same: which was adopted. Yeas 61—Nays 11. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Barron, Blair, Bradley, Cobb, Davenport, Davidson, Davis of A. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hughs, Hunter, Hutchinson, Inge, Jemison, Jones, Kelly, Langdon, Little, Mallard, Marchbanks, McAlpin, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of mad. Morris, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Reynolds, Rice, Russell, Shanks, Smith of J. Smith of L. Wilson, Winston of DeK. Winston of S. Wynn and Young.

Those who voted in the negative, are messrs Ashurst, Bates, Clemens, Crenshaw, Davis of B. King, Mann, McClanahan, Moores, Saunders and Womack.

Mr Inge moved to amend the second section of chapter two, by adding at the end thereof, the following: 'or confinement in the penitentiary for life, at the discretion of the jury trying the same: which was adopted. Yeas 68—Nays 5. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bradley, Clemens, Cobb, Davenport, Davidson, Davis of A. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hughs, Hunter, Hutchinson, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of Marion, Moores, Morris, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Reynolds, Rice, Russell, Saunders, Smith of J. Smith of L. Spruill, Walker of B. Walker of L. Wilson, Winston of DeK. Winston of S. Wynn and Young.

Those who voted in the affirmative, are messrs Bates, Crenshaw, Davis of B. Mann and Womack.

Message from the Senate by mr Hill, their Secretary.

mr Speaker—The Senate has concurred in the amendment made by the House of Representatives, proposing to go into the election of a judge of the county court of Marengo county, a judge of the county court of Baldwin county, and two commissioners for the improvement of the Choctawhatchee river, and one commissioner for the Coosa river: by striking out 'two commissioners of the Choctawhatchee river. and adding four commissioners for the improvement of the Tombeckbee river.'

On motion of Mr Rice,

Resolved, That the Senate be invited into Hall of the House to go into the election of a commissioner of the Coosa river, a judge of the county court of Baldwin county, a judge of the county court of marengo county, and four commissioners of the Tombeckbee river.

The Senate having repaired to the Hall of the House and taken their seats, the two Houses proceeded to the election of a judge of the county court of Marengo county, Messrs James A. Young, T. Y. Ramsay and Robert E. Clark, being in nomination.

Those who voted for Mr Young, are Messrs Alston, Buford, Dent, King, McVay, Oliver, Phillips, Reese, Thornton, Watrous, and Womack of the senate; Messrs Ashurst. Barron, Bates, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick. Griffin of s. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Langdon, Little, Mann, McAlpin, McCoy, McGill, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Rice, Shanks, Spruill, Walker of L. Womack, and Young, of the House of Representatives.—52.

Those who voted for mr Ramsey, are messrs President, Jones, Rice, and Terry, of the senate; messrs Speaker, Houston, Mallard, Marchbanks, McClanahan, Moore of mad. Morris, and Winston of S. of the House of Representatives—12.

Those who voted for Mr Clark, are Messrs Clarke, Creagh, Farrar, Hudson, Hall, McAllister, Rodgers, and Turner, of the Senate; Messrs Adams, Adrian, Alexander, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Hale, Hill, Hughs, Kelly, King, McCullough, McMillion of B. McMillion of J. Moore of marion, Reynolds, Russell, Saunders, Smith of J. Smith of L. Strode, Walker of B. Wann, Wilson, Winston of DeK. and Wynn, of the House of Representatives—38.

Mr Young having received a majority of the votes given, Mr Speaker declared him duly elected judge of the county court of Marengo county.

The two Houses next proceeded to the election of a judge of the county court of Baldwin county, Messrs Patrick Burns and Peter C. Burns, being in nomination.

Those who voted for Mr Patrick Burns, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McVay, Resse, Rice, Rodgers, Terry, Toulmin and Turner, of the Senate; Messrs Speaker, Adrian, Alexander, Blair, Clemens, Cobb, Dixon, Hale, Hill, Houston, Hughs, Jones, Kelly, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Rice, Roberts, Russell, Saunders, Smith of J. Wann, Wilson, Winston of DeK. and Winston of S. of the House of Representatives—42

Those who voted for mr Peter C. Burns, are messrs Alston, Buford, Dent, King, Oliver, Phillips, Ross, Thornton, Watrous and Womack, of the Senate; messrs Adams, Barron, Bates, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Doster, Douglass, Fitzpatrick, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, Mitchell, Moore of marion, Moores, Morris, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Reynolds, Shanks, Smith of L. Spruill, Strode, Walker of L. Womack, Wynn and Young, of the House of Representatives---59.

Mr Peter C. Burns, having received a majority of votes, mr Speaker declared him duly elected judge of the county court of Baldwin county.

The two Houses next proceeded to the election of one commissioner for the Coosa river—John Hill and W. R. Ryan, being in nomination.

Those who voted for Hill, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McVay, Rice, Rodgers, Ross, Terry, Toulmin, and Turner, of the Senate; Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Blair, Bradley, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Hale, Hall, Hill, Houston, Hughs, Hunter, Inge, Jones, Kelly, King, Little, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of madison, Moores, Morris, Norris, Norwood, Perkins, Peterson, Prince, Rice, Roberts, Saunders, Smith of J. Smith of L. Spruill, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of S. Womack, Wynn and Young, of the House of Representatives—80.

Those who voted for mr Ryan, are messrs Alston, Buford, Dent, Oliver, Phillips, Thornton, Watrous and Womack, of the Senate; Griffin of S. Hollinger, Jemison, Langdon, Mann, Moore of marion, Perkins, Reynolds, and Shanks, of the House of Representatives—17.

Mr Hill having received a majority of the votes given, Mr Speaker declared him duly elected commissioner of the Coosa river.

The two houses then proceeded to the election of four commissioners for the improvement of the novigation of the Tombeckbee river.

Messrs John G. Creagh, Reuben Chamberlain, James H. Hawkins, Tho. L. Starke, B. L. Turner, Elias Thornton, John M. *Cooper* and *Benjamin Taliaferro,* being in nomination.

Thsse who voted for mr Creagh, are messrs President, Alston, Buford, Clarke, Dent, Farrar, Hudson, King, McAllister, McVay, Oliver, Phillips, Rice, Ross, Toulmin and Womack, of the Senate; messrs Speaker, Alexander, Ashurst, Bates, Bradley, Campbell. Crenshaw, Davis of A. Doster, Fitzpatrick, Hale, Hill, Hollinger, Inge, Jemison, Langdon, Little, Mallard, McAlpin, McClanahan, McGill, McLemore, McMillion of J. Mitchell, Moore of mad. Moore of marion, Norris, Perkins, Peters, Saunders, Smith of J. Smith of L. Walker of B. and Wann, of the House of Representatives—50.

Those who voted for mr Chamberlain, are messrs Buford, Clarke, Creagh, Dent, Farrar, Hudson, Jones, McVay, Oliver, Phillips, Rice, Terry, Thornton, Toulmin, and Turner, of the Senate; messrs Alexander, Ashurst, Bates, Bradley, Campbell, Crenshaw, Davidson, Davis of A. Davis of B. Davis ot L. Doster, Douglass, Fitzpatrick, Hale, Hall, Hollinger, Inge, Jemison, Jones, Kelly, Langdon, Mallard, McAlpin, McGill, McMillion of J. Moore of madison, Norris, Norwood, Perkins, Peters, Reynolds, Saunders, Shanks, Smith of L. and Winston of S. of the House of Representatives—46.

Those who voted for mr Cooper are messrs President, Alston, Farrar, King, McAllister, Oliver, Phillips, Ross, Watrous and Watrous of the Senate; Barron, Blair, Bradley, Clemens, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Dixon, Doster, Fitzpatrick, Griffin of S. Hale, Hall, Houston, Hunter, Inge, King, Little, Mann, Marchbanks, McAlpin, McGill, McLemore, McMillion of J. Mitchell, Moore of mad. Moore of marion, Moores, Norris, Peters, Prince, Shanks, Smith of J. Smith of L. Walker of B. Wann, Wilson, Winston of DeK. and Womack, of the House of Represe tatives—50.

Those who voted for mr Hawkins, are messrs Clarke, Dent, of the Senate; messrs Alexander, Bates, Hall, Hollinger, Langdon, Mallard, Mann, McLemore, Perkins, Prince, and Shanks, of the House of Representatives—13.

Those who voted for mr Thornton, are messrs President, Hudson, Jones, King, McVay, Phillips, Rice, Ross, Terry, Thornton, Toulmin, Turner, Watrous and Womack of the Senate; messrs Speaker, Adrian, Ashurst, Barron, Blair, Clemens, Cobb, Davenport, Davidson, Davis of B. Davis of L. Dixon, Douglass, Hill, Houston, Hughs, Jones, King, Marchbanks, McClanahan, Mitchell, Moore of marion, Moores, Norwood, Reynolds, Saunders, Walker of B. Wilson, Winston of DeK. and Winston of S. of the House of Representatives—45.

Those who voted for mr Turner, are messrrs President, Alston, Clarke, Hudson, Jones, McAllister, McVay, Rice, Terry, Thornton, Toulmin, Turner, Watrous and Womack, of the Senate; messrs Speaker, Adrian, Barron, Blair, Campbell, Clemens, Cobb, Davidson, Dixon, Douglass, Griffin of S. Hale, Hill, Houston, Hughs, Hunter, Jemison, Kelly, King, Litile, Mallard, Mann, Marchbanks, McClanahan, Moores, Reynolds, Saunders, Walker of B. Wilson, Winston of DeK. Winston of S. and Womack, of the House of Representatives—46,

Those who voted for mr Stark, are messrs Buford, Creagh, Dent and Terry, of the Senate; messrs Adrian, Alexander, Ashurst, Bates, Bradley, Cobb, Davenport, Davis of A. Davis of L. Doster, Fitzpatrick, Griffin of S. Hall, Hill, Hollinger, Hughs, Hunter, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mann, McGill, McLemore, McMillion of J. Moore of mad. Moore of marion, Norris, Norwood, Perkins, Peters, Prince, Shanks, Smith of J. Smith of L Wann, Winston ot DeK. and Womack, of the House of Representatives—45.

Those who voted for mr Taliafero, are messrs Alston, Buford, Farrar, Jones, King, McAllister, Oliver, Ross, Thornton, Turner and Watrous, of the Senate; messrs Speaker, Adrian, Barron, Blair, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of B. Davis of L. Dixon, Douglass, Griffin of S. Houston, Hughs, Hunter, Jones, Kelly, Marchbanks, McAlpin, McClanahan, Mitchell, Moores, Norwood, Prince, Reynolds, Smith of J. Wann, Wilson, Winston of S. and Womack, of the House of Representatives—44.

Messrs Creagh, Chamberlain, Cooper and *Turner*, having received a majority of the whole number of votes given, mr Speaker, declared them duly elected commissioners for the improvement of the navigation of the Tombeckbee river.

Ordered, that mr Fowler have leave of absence for the remainder of the session.

Mr Shanks moved that the House adjourn until ten o'clock, Monday morning; which was carried. And then the House adjourned.

MONDAY, January 4, 1841.

The House met pursuant to adjournment.

Mr Wynn, from the committee on roads, bridges and ferries, to which was referred the counter petition of sundry citizens of Marshall county, in relation to a certain turnpike road therein named, reported the same as inexpedient; in which report the House concurred. Ordered, that said report lie on the table.

Mr McMillion of B. from the committee on enrolled bills, reported as correctly enrolled:

An act to fix the time of the sales by sheriffs in Greene county:

An act to incorporate the Sylvania male and female academy in the county of Limestone.

The joint resolution from the Senate authorizing Thomas Wilson to draw and receipt for the pay of George R. Griffin, deceased, late a member of the House of Representatives from the county of Jackson, was read the first, second and third time forthwith and adopted. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate for the payment of the Directors of the Bank of the State of Alabama and its several branches, for the year 1840, was read the first and second time forthwith, and referred to a select committee, composed of messrs Little, Mitchell and McClanahan.

The bill from the Senate to appoint witness commissioners in the territories, was read and ordered to a second reading.

The bill to incorporate the Irwinton fire hook and ladder company, was read twice forthwith.

Mr Mann moved to amend the bill by an additional section; which was adopted.

The bill was then read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to amend an act to raise a school fund to aid the valueless sixteenth sections in this State, was twice read.

Mr Reynolds moved to postpone the further consideration of the bill until to-morrow; which was carried.

Mr Moores called up the bill for the relief of John M. Cooper. The bill was then read a second time.

On motion of *Mr* Winston of DeK.

Resolved, That with the consent of the Senate the two Houses of the General Assembly of the State of Alabama will adjourn, *sine die*, on Saturday, the ninth of January, 1841.

Mr Rice moved to lay the resolution on the table; which was lost.

Mr Clemens moved to amend by striking out 'ninth,' for the purpose of inserting 'thirteenth.'

Mr McClanahan moved to postpone the further consideration of the same until Friday next; which was lost.

The question was then taken on mr Clemens' motion to strike out; which was lost.

The resolution was then adopted.

Mr Mann, from the select committee, to whom was referred the petition of sundry citizens of Pike county, reported a bill to change the North Eastern boundary line of Pike county, and attach a portion of said county to Barbour county; which was read the first and second time forthwith, and referred to the committee on county boundaries.

Mr Fitzpatrick introduced a bill for the relief of Mary Davis, of Macon county; which was read and ordered to second reading.

Mr Rice introduced a bill to extend the time for the resumption of specie payment by the Bank of the State of Alabama and its several branches, and legalizing the suspension of specie payments by the Branch Bank at Montgomery; which was twice read forthwith.

Mr Langdon moved the following amendment:

Be it further resolved, That the State Bank and its branches, be and they are hereby authorized to issue notes of any denomination not lesss than one hundred dollars.

The bill was then referred to the committee on the State Bank.

A message from the Senate by mr Hill, their secretary:

Mr Speaker—The Senate has passed bills of the following titles, which originated in the Senate, to wit:

An act to fix the time of holding the circuit court for the county of Sumter,

An act for the promotion of the health and convenience of the city of Mobile, by the introduction of a supply of wholesome water into said city to be used for domestic purposes, and the extinguishment of fires:

An act for the relief of Richard Whiting as clerk of the joint examining committee of the bank:

An act to abolish brigade encampment drills in certain brigades and divisions therein named:

The Senate has passed joint resolutions of the Senate and House of Representatives in relation to certain notes therein specified:

In which the concurrence of the Senate and House of Representatives is requested.

The Senate has concurred in the report of the committee of conference on the part of the Senate on the bill entitled an act to repeal that part of the military law which requires brigade encampment drills, and for other purposes; which is to insist upon its amendments to the bill.

Ordered, that mr Fleming have leave of absence.

On motion of mr Bates, ordered, that three members of the committee on the State Bank constitute a quorum.

Mr McClanahan, from the select committee, to which was referred the bill for the payment of the Directors of the Bank of the State of Alabama and its several branches, for the year 1840, reported the same with amendments. The bill was then read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to abolish brigade encampment drills in certain brigades and divisions therein named, and the bill for the relief of Richard

Whiting, as clerk of the joint examining committee of the Bank, were severally read and ordered to a second reading.

The bill from the Senate for the promotion of the health and convenience of the city of Mobile, by the introduction of a supply of wholesome water into the said city, to be used for domestic purposes and the extinguishment of fires; and the bill to fix the time of holding the circuit court for the county of Sumter, was read the first, second and third time forthwith and passed. Ordered, that the clerk acquaint the Senate therewith.

Joint resolutions of the Senate and House of Representatives in relation to certain notes therein specified, was read the first, second and third time forthwith and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to compensate Little & Hopkins for passage and stores of sixty-four volunteer soldiers of Captains Martins and Taylor's company, from Mobile to Demopolis and Jamestown, on board the steamer Wandered, was read the second time and referred to the committee on accounts.

The bill to amend the charter of the Bank of Mobile and the Planters and Merchants Bank of Mobile, was read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate regulating punishments under the penitentiary system, being under consideration,

Mr Mann moved to strike out the word 'necessary' where it occurs in the sixth section and third chaptet; which was carried.

Mr Spruill moved to amend, by striking out all after the word 'person' in the first line, to the word 'slaves,' in the second line of the sixth section; which was lost.

Mr Spruill moved to strike out 'murder in the second degree;' which was lost.

Mr Inge moved to amend by adding at the end of the sixth section, after the word 'death,' the words 'or confinement in the penitentiary for life, at the discretion of the jury trying the same;' which was carried.

Mr Mann moved to strike out the word 'necessary,' where it occurs in the seventh section; which was carried.

Mr Saunders moved an amendment, which was adopted.

Mr Mann moved to strike out the eighth section, which was lost.

Mr Jemison moved to amend as follows: 'in the tenth section, strike out 'murder' and insert 'manslaughter, murder or manslaughter in the first or second degree;' which was lost.

Mr Saunders moved to strike out the ninth section; which was carried.

Mr Davis of A. moved to strike out the tenth section.

Mr Saunders moved to strike out all after the work 'degree;' which was carried.

Mr Saunders moved to strike out the balance of the section; which was lost.

Mr Hunter moved to amend the eleventh section as follows: strike out the words 'such killing shall be deemed murder in the second degree,' in the third line of the eleventh section, and insert in lieu thereof the words 'shall be fined in a sum not exceeding two thousand dollars, and imprisoned in the county jail not exceeding twelve months, at the discretion of the jury trying the same.'

Mr Houston moved to amend the amendment of Mr Hunter as follows: not less than one thousand dollars, nor less than six months, which was lost.

The question then recurred on the amendment by Mr Hunter, which was lost. Yeas 22—Nays 39. The yeas and nays being demanded, Those who voted in the affirmative, are messrs Bates, Blair, Bradley, Campbell, Davis of B. Davis of L. Hall, Houston, Hunter, Jemison, King, Landon, Little, Mann, McCoy, Mitchell, Moore of mad. Norris, Prince, Reynolds, Strode and Winston of S.

Those who voted in the negative, are messrs Speaker, Adams, Adrian, Alexander, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Dixon, Douglass, Fitzpatrick, Griffin of M. Hale, Hill, Hughs, Kelly, Mallard, Marchbanks, McAlpin, McClanahan, McGill, McLemore, McMillion of J. Moore of marion, Moores, Morris, Norwood, Peterson, Russell, Saunders, Smith of J. Smith of L. Spruill, Walker of B. Wilson, Winston of DeK. Wynn and Young.

Mr Winston of S. moved to strike out all after the word 'degree,' in the eleventh section, which was carried.

Mr Campbell moved to strike out the word 'second,' with a view to insert the word 'first,' which was lost.

Mr Jemison moved to strike out the words 'in or out of the State,' which was lost.

Mr Mann moved to strike out the twelfth section, which was lost.

Mr Winston of S. moved to strike out section thirteen.

Mr Jemison moved to strike out the words 'or any other State of the United States, or in any territory or district thereof,' which was lost.

Mr Jemison moved to amend by inserting 'in any part of the world,' which was lost.

The question then recurred on the motion of Mr Winston of S. to strike out the thirteenth section, which was lost. Yeas 20—Nays 39. The yeas and nays being demended,

Those who voted in the affirmative, are Messrs Adrian, Blair, Bradley, Campbell, Clemens, Davis of B. Davis of L. Hall, Houston, Hunter, Inge, Jemison, Mann, Moore of mad. Norris, Reynolds, Strode, Winston of S. Wynn and Young.

Those who voted in the negative, are Messrs Speaker, Alexander, Ashurst, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Dixon, Douglass, Fitzpatrick, Griffin of m. Hale, Hill, Hollinger, Hughs, Kelly, Little, Mallard, Marchbanks, McAlpin, McClanahan, McGill, McLemore, McMillion of J. Mitchell, Moore of Marion, Morris, Norwood, Peters, Peterson, Russell, Saunders, Smith of J. Smith of L. Spruill, Walker of B. Walker of L. and Wann.

Mr Campbell moved to strike out all after the word 'State,' which was lost.

Mr Clemens moved to amend by way of proviso, to come in at the end of the section, as follows: '*Provided*, that nothing in this section shall be construed to extend to persons who are not inhabitants of the State of Alabama, at the time the offence may be committed; which was lost.

Mr Young moved to amend, by an additional section, as follows: '*Be it further enacted*, That all laws now in force requiring an oath in relation to dueling, be and the same is hereby repealed.

Mr Douglass moved to adjourn until three o'clock, which was carried; and then the House adjourned.

EVENING SESSION, 3 o'clock.

The House met pursuant to adjournment.

Mr Inge moved a call of the roll, which was carried. Whereupon, the following members answered to their names:

Messrs Alexander, Bates, Cobb, Davenport, Davidson, Davis of A. Davis of B. Dixon, Doster, Douglass, Griffin of M. Griffin of S. Hall, Hollinger, Hunter, Inge, Jemison, Little, Mallard, Mann, Marchbanks, *M*cClanahan, McLemore, McMillion of B. *M*oore of mad. Prince, Randolph, Russell, Saunders, Shanks, Smith of J. Wilson, Winston of S. and Wynn.

Mr Crenshaw moved a call of the House, which was lost.

Mr McLemore moved to suspend the orders of the day, for the purpose of introducing the following resolution:

Resolved, That the orders of the day be suspended, for the purpose of calling up from among the engrossed bills, the bill to organize the chancery court.

Which was lost. Yeas 19—Nays 42. The yeas and nays being demanded,

Those who voted for in the affirmative, are messrs Ashurst, Barron, Bradley, Crenshaw, Doster, Houston, Hughs, Hunter, Jones, Kelly, Mann, *M*cLemore, McMillion of B. Moore of mad. Morris, Norris, Reynolds, Spruill, Walker of B. and Winston of S.

Those who voted in the negative, are messrs Speaker, Adams, Alexander, Bates, Cobb, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Griffin of m. Griffin of S. Hall, Hollinger, Inge, Jemison, Langdon, Little, Mallard, Marchbanks, *M*cClanahan, McGill, McMillion of J. Moore of marion, Norwood, Perkins, Peterson, Prince, Randolph, Russell, Saunders, Shanks, Smith of J. Smith of L. Walker of L. Wilson, Wynn and Young.

Mr Bates for himself and others offered the following protest:

The undersigned, availing ourselves of the constitutional right of the minority to enter their dissent upon the journals of this House, do hereby enter our solemn protest against the passage of a bill entitled 'an act to establish the General Ticket system in elections for Representatives in Congress, from the State of Alabama,' and against the oppressive and unconstitutional mode, by which its passage, through its different stages was secured.

The undersigned have been taught by the majority, that no appeal can have any other influence than to strengthen this determined system of abuses.—They have originated measures, radical in themselves, untried in practice, unknown to the people, which are to be permanent and universal in their operation, without allowing to the minority the privilege to amend, or the right to discuss. They have construed rules to the adaptation of the particular case, and enforced them with an eye to success alone. The minority will not examine the merits of the general ticket bill. To do that, they will appear before a tribunal where gag laws are not employed for the suppression of truth. They will confine themselves to an expose of the means resorted to by the majority to establish this system: and to do this, let facts be submitted to a candid people.

The bill above referred to, being on its passage in the House of Representatives (having passed the Senate) was under discussion by a member from Marengo (Mr Moores) who having concluded, a member from Tuscaloosa (Mr Perkins) obtained the floor, and submitted the following amendment to the bill: '*Be it further enacted*, That this act shall not take effect until a majority of the people of this State shall have voted in its favor, at the next annual election, at which time a poll shall be opened at the different precincts in the several counties of this State, by the sheriffs thereof giving ten days notice; and those approving this act, may vote for it, by endorsement on their ballot '*General Ticket System:*' and the number of those votingthus for it shall be, under the certificate of the inspectors of elections, at the respective court-houses, forwarded to the Secretary of State, who shall within the first week of the next session of the Legislature, communicate the aggregate of such number of votes cast by the citizens of this State for the foregoing section of this act; and if it shall appear that the majority of the qualified voters of this State are in favor of the general ticket system, the foregoing act shall then become the law of this State.'

The member from Tuscaloosa, (*Mr* Perkins) commenced his remarks in favor of the amendment, when *Mr* Speaker informed him the amendment must be first read to the House. During the time clerk was engaged in reading the amendment, a member from *Mobile*, having seen a movement of the majority, which indicated a call for the previous question, and apprehensive they would exercise this act of oppression, by a pretended desire to defeat the amendment, rose from his place and addressed the Speaker, while the clerk was reading. After the member from *Mobile*, had twice called *Mr* Speaker, the member from De Kalb, one of the majority, (*Mr* Winston,) rose while Mr Bates was on the floor. Mr Speaker responded 'the gentleman from De Kalb.' *Mr* Bates then observed that 'the gentleman from Tuscaloosa was entitled to the floor.' Mr Speaker replied that he had not heard the gentleman from Tusaaloosa claim the floor. Mr Perkins then insisted on his right. Mr Bates then asked Mr Perkins to withdraw his amendment. Mr Speaker cried out 'the gentleman from DeKalb is entitled to the floor.' Will the gentleman from DeKalb yield the floor to the gentleman, to withdraw his amendment? Mr Winston said he would not. Yet, strange to say, Mr Speaker gave Mr Perkins leave to withdraw his amendment; put the question of leave to the House, and disposed of the amendment:—during the whole time, deciding the member from DeKalb was entitled to the floor. The member from DeKalb, one of the majority, and friend of the general ticket bill, (after making some remarks on the merits of the bill,) then moved the *previous question*, which was carried, by the friends of the bill. This decision of the Speaker having deprived Mr Perkins of his right to the floor, gave this organ of the previous question (as it is construed by the majority of the House) the power to suppress debate, and shroud in darkness, that deformity which distinguishes this odious system, and which the lights of discussion would have exhibited to the people;—a deformity, upon which its authors had not the nerve to repose, as they had suppressed debate upon the second reading of the same bill.

The minority having now detailed the manner in which they were driven from the floor, will proceed to the examination of the more important subject of this protest; that is, the conduct of the majority upon this occasion;—which, if sustained by the people, settles the question, that a minority have no right to mingle, deliberate, or advise, in the public councils of our country.

The motion of the member from DeKalb, being made for the express purpose of cutting off all amendments, and to prevent any reasons being assigned by the minority against the passage of the bill, and carried affirmatively by the majority—after which call had been made, and entertained by the Speaker, we then, the undersigned, representatives of the people of the counties respectively, opposite to our names, left the Hall of the House of Representatives, in order to bring the majority to reflect, and respect the rights of those whom we had the honor to represent. We remained until our appeals were unheeded; the voice of our constituents strangled; freedom of speech denied. We remained until the constitution of our country had been snatched by the rude hand of usurpation: And we left when that Hall, which a common country had dedicated to common interests, had been seized by an organized party, and converted into a slaughter house of every principle of protection and security in legislation, which government affords to the weak;—the inestimable right to dissent, to discuss.

Under the convenient construction of the majority, when the previous question is carried affirmatively, it precludes all amendments and *all debate*. They shelter themselves from a just indignation of such construction by the provisions of the twenty-second rule, of the amended rules of the House of Representatives, which provides, if the previous question be carried affirmatively, it shall preclude all amendments and *further debate*. In the construction of every rule, which prohibits the freedom of speech, or restricts the right of discussion, it is safest to lean in favor of that right, and strongly against restriction. This is peculiarly sound as to the deliberation of Legislative assemblies in representative governments; as the only mode of ascertaining the interests and wishes of the people, is, by means of full and free discussion. To sustain this propriety of construction, it is not necessary to resort to those principles which form the basis of all free governments; the great design of which, are the protection of the weak from the power and ferocity of the strong; but such construction is imperatively required by a proper regard to the provisions of the fundamental law of this State, and the amended rules of the House of Representatives.

Mr Jefferson, in his manual of parliamentary practice, (page 91,) states, 'that the proper occasion for the previous quesrion is, when a subject is brought forword of a delicate nature, as to high personages, &c., or the discussions of which may call forth observations, which might be of injurious consequences. The use of it has been extended abusively, &c.; its uses would be as well answered by other more simple parliamentary forms, and therefore it should not be favored, but restricted within as narrow limits as possible.' The subject we are now considering is certainly not one which would be embraced within the rules laid down in the manual. It is one in which the whole State was interested—one which proposed to disfranchise, in the representative branch of one national Legislature, a large and respectable minority, that have now two Representatives in Congress. Nothing of injurious consequence could result from debate by the enemies to this bill, who would have been, if permitted, the advocate of the old system, under which we have lived and prospered. The proposition was, in fact, a radical one—new, untried; and not having been subjected to the scrutiny of investigation, was the peculiar subject of debate.

The authority of the manual, or the law of the British Parliment, cannot be successfully applied by the friends of the previous question in this House. There will be found no rule of the British Parliament—no provision in the constitution of the United States—no rule of Congress, similar to the twenty-third section of the third article of the Constitution of Alabama, which provides that "bills may originate in either House, and be amended, altered, or rejected by the other; but no bill shall have the force of a law, until on three several days it be read in each House, and *free discussion allowed thereon:* unless, in cases of urgency, four-fifths of the House, in which the bill shall be depending, may deem it expedient to dispense with this rule." The undersigned have been unable to find any clause in the Constitutions of any of the States of this Union, similar to that above recited, except in the Constitution of the State of Kentucky: our's being an exact copy of the twenty-eighth section the second article of that Constitution. This, then, is a novel question, submitted to us, without the aid of any authority, to be determined by a construction of the language employed in the clause of the Constitution above referred to. In many of the Constitutions of the States, they have required that, all bills shall be read on three several days, leaving the control of discussion to the Legislative bodies. The eighty-eighth rule of the House of Representatives of Congress, (Manual, pages 183, 184,) requires three several readings. Why, then, with this Manual—the law of Parliament?—The Constitution of all the States before them, did the framers of our Constitution add the words "*and free discussion allowed thereon?*" We must suppose that every line, every word, of our fundamental law, was well weighed, and justly considered; that no part of an instrument, of so great solemnity and importance, was adopted without a great purpose in view. Believing then, that we have no right to discard from our observation and respect, any portion of our fundamental law, as mere idle declaration, let us recur to the words, "*and free discussion be allowed thereon.*" In this recurrence, the undersigned are sensibly impressed with the peculiar force of the language employed in the Constitution, and cannot regard it in any other manner, than as declaratory of the great right of freedom of speech. They were not satisfied with the use of word, "discussion," or the words, "discussion be had thereon;" but the emphatic words, "*free discussion be allowed.*" We understand free discussion to mean, a debate that is untrammelled; free from shackles; free from gags. Indeed, it seems to the undersigned that, this clause of the Constitution was intended for the protection of the minority, as it uses the word "*allowed,*" synonymous with the words *permitted, leave, granted,* all of which is done by majorities. The words, "free discussion," can be tortured into no other meaning than freedom of speech; a privilege to argue, to discuss the policy or propriety of the passage of all bills. It has been urged, however, that this construction would lead to endless debate; that business could not be transacted, unless the freedom of discussion be abridged. We would reply, that fundamental laws would not only be insecure, but worse than useless, if, in their construction, we should not consult the text—the language—the spirit of the instrument, but only our notion of convenience. With this standard before us, the construction of the Constitution would change several times on every day. In the morning, the right of free discussion would be constitutional; at night, when cold or hunger, or thirst pressed upon the majority, or when they might be listening to a scorching rebuke, or searching examination of some improper and impolitic measure, convenience might suggest, that the right of free discussion should not be allowed.

With this disregard of the Constitution, why the necessity of reading laws on three several days? Why postpone and not deliberate? Why deliberate and not discuss? What value is freedom of thought, without freedom of speech?

It will be observed, that the words, "free discussion be allowed thereon," are connected and immediately preceded by the words, "no bill shall have the force of a law, until on three several days it be read in each House," all forming one and the same sentence, and designated as "*this rule*," which is defined to be something permanent, uniform, and universal. Unless we determine that the words, "free discussion be allowed thereon," be not a part of this constitutional rule, we virtually strike them from the constitution, as unmeaning and idle declaration. This clause of the constitution defines for itself what convenience should be, and provides for it. It contemplates convenience, only in cases of urgency, and then gives the power to consult expediency to four-fifths of the House, in which the bill may be depending, to dispense with the rule requiring all bills to be read three several days; and to refuse to allow free discussion thereon—because the reading and discussion would be a consumption of time, which, from urgency, might be inexpedient. But even in cases of urgency, the constitution has not left the power with a bare majority. If it had, they would never have invoked the *previous question*. Every measure of the majority then, would have been a case of urgency.

The undersigned have been amused, in examining the rules of the House, at the conflict between the pretended laws of the majority, and the actual practice of that majority. The ninth, of the amended rules of the House of Representatives, seems to have been made in conformity with the clause of the constitution above referred to, and to determine what is meant by "*free discussion*." It provides that, "no member shall speak more than twice to the same question, without leave of the *H*ouse." This seems to contemplate free discussion, and to prescribe reasonable limits for its exercise. The second, seventh, and eleventh rules designate questions to be decided without debate. Why this parade of rules? Why designate the questions to be decided without debate, when, according to the twenty-second rule, and their construction, and actual enforcement of it, no question is the proper subject of debate, unless the stern despotism of the majority, graciously condescend to grant to the minority a constitutional right, which they have dared to usurp? It is obvious, that, under the ninth rule, each member has a positive right to speak twice to the same question, without leave of the House. This, the undersigned conceive to be subjected to the cases of urgency, provided in the constitution, whenever four-fifths may deem discussion inexpedient. The right of the majority claimed under the twenty-second rule, that a bare plurality of one, can refuse to allow free discussion, destroys the ninth rule; and is in positive violation of the Constitution of this State, which, to our mind, absolutely requires a case of urgency to be presented and sustained by a majority of four-fifths. The twenty-third section of the third article of the constitution, only guarantees the allowance of "free discussion" upon bills. This clause is silent as to questions of order, which may arise in the regulation of the *H*ouse; and does not conflict with the sixteenth section of the third article, giving to each House the right to determine the rules of its own proceedings. To illustrate this, suppose a motion to adjourn be made. It would not be contrary to the constitution, to determine that it should be decided, without debate. The constitution leaves that matter discretionary with the House. Suppose there should be a rule of the House, that no bill should be discussed, but should be passed into a law, without debate. This would be unconstitutional under the twenty-third section of the third article; and the reason is obvious. Bills are the beginnings of rules of action, which are to operate upon the personal liberty—personal security or private property of the individuals who compose our State. For that reason, before they become the rules of action, it is just and right, that those who are to be governed, should participate in their formation; and suggest the good or evil, which may arise therefrom. The rules of order for the House, are matters of their own, which do not affect the people, unless they may trammel the representative right. If the twenty-second rule of the House of Representatives, excepted all bills, which may originate in either House, then we would not contend that it was an improper exercise of power. The undersigned then, arrive at the conclusion, that the twenty-second rule of the House of Representatives, is in palpable violation of the Constitution of the State of Alabama, which we have sworn to support and defend on this floor. We now return to the question. The General Ticket Bill was on its passage. This bill is novel in its nature; intended to be permanent and universal in its operation; opposed by more than one hundred thousand of those whom it was designed to effect; and whom it was intended to disfranchise. Upon this important measure, at this stage of the bill, only one speech had been made, and only three speeches against the bill, on the previous readings. Several getlemen had prepared themselves, and were anxious to discuss it, who had not spoken upon the question, when one of the majority rose and called the previous question; which was carried affirmatively by the majority;—the minority silenced; the debate suppressed; the law passed over every barrier, which the constitution had interposed, to the reckless spirit of an infuriated party. Can this majority argue themselves into the belief, that upon so important a question, before a House composed of *one hundred members*, every one of whom is presumed to be capable of speaking; that one single speech upon the passage of the bill, was, in the language of the constitution, the allowance of "free discussion thereon?" When this tyrannical construction of a bare majority was thus forced upon the minority: the undersigned had but one arm of defence left for the constitution, and their constituents; and that was, to arrest the action of the majority, by withdrawing from the Hall, and leaving them without a quorum. The minority felt, if they should sit still and compose the necessary number, to effect this violation of right, they would be, not accessories before the fact, but principals in the first degree, aiding and abetting in the destruction of privileges sacred to those freemen who had entrusted them with their interests. The responsibility of this measure, is justly thrown upon the majority. They originated the bill, and, in order to pass it into a law, they suppressed a debate, which would have exposed their designs to the people.

The minority feel the pride which always attends the discharge of duty, that they can return to their constituents, and tell them, that, in this unconstitutional and unrighteous attempt at disfranchisement; this determined spirit of the North to wield the destinies of the South, in obedience to their own will and wishes; that we have done all that Representatives could do. We argued as long as permitted to speak, and when strangled, we abandoned them. When abandonment became inefficient, we did then, for them, and for ourselves, spread upon the journals, this, our solemn protest against tyranny and usurpation.

J. Bates,	*S. Spruill.*
Robert B. Campbell,	*Thos. M. C. Prince,*
Wm. M. Inge,	*Wm. H. Norris,*
Wm. M. Murphy,	*Walter H. Crenshaw,*
Wm. H. Seawell,	*Laird B. Fleming,*
Charles McLemore,	*Leroy A. Kidd,*
C. C. Langdon,	*William A. Bell,*
A. Q. Bradley,	*Daniel H. Norwood,*
J. N. Mann,	*William McGill,*
M. Ashurst,	*J. S. Hunter,*
J. J. Hutchinson,	*A. C. Hollinger,*
Blake Little,	*H. Perkins,*
Wm. J. Peters,	*Wade H. Griffin,*
Ger. B. Hall,	*William T. Shanks,*
Jas. M. Davenport,	*James Peterson,*
Wm. B. Moores,	*John Barron,*
R. Jemison, Jr.	*K. R. Womack,*
David E. Davis,	*Solomon McAlpin.*
L. W. Davidson,	

Having, from sickness, been absent from the House of Representatives, when the proceedings detailed above were had, I could not sign the protest.—I assent, however, to the reasoning, and solemnly protest against the General Ticket Law. E. YOUNG.

The House resumed the consideration of mr Young's amendment to the third chapter of the bill from the Senate regulating punishments under the penitentiary system, and the amendment was lost. Yeas 26—Nays 43. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Adrian, Ashurst, Bradley, Campbell, Clemens, Davis of B. Doster, Douglass, Garrett, Hall, Houston, Hunter, Inge, Jemison, Langdon, Mann, Mitchell, Moore of marion, Norris, Prince, Reynolds, Strode, Walker of B. Winston of S. Womack and Young.

Those who voted in the negative, are Messrs Speaker, Adams, Alexander, Barron, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of L. Dixon, Griffin of m. Griffin of S. Hale, Hill, Hughs, Jones, Kelly, King, Little, Mallard, Marchbanks, McClanahan, McGill, McMillion of B. McMillion of J. Moore of Madison, Morris, Norwood, Perkins, Peters, Peterson, Rice, Roberts, Russell, Saunders, Shanks, Smith of J. Smith of L. Spruill, Walker of L. Wilson and Winston of DeK.

Mr Mann moved to strike out all after the word 'county' in the fourteenth section: which was lost. Yeas 13—Nays 57. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Adrian, Campbell, Clemens, Crenshaw, Doster, Griffin of S. Hill, Houston, Mann, Norris, Peters, Strode and Winston of S.

Those who voted in the negative, are Messrs Speaker, Adams, Alexander, Barron, Bradley, Cobb, Davenport, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Griffin of m. Hale, Hughs, Hunter, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Marchbanks, McClanahan, McGill, McMillion of B. McMillion of J. Mitchell, Moore of madison, Moore of marion, Norris, Norwood, Peterson, Prince, Reynolds, Roberts, Russell, Saunders, Shanks, Smith of J. Smith of L. Spruill, Walker of B. Walker of L. Wilson, Winston of DeK. Womack and Young.

Mr Mann moved to strike out the words, 'imprisonment for life,' with a view to insert the word 'death, when they occur in the fifteenth section.

Mr Jemison moved to amend the amendment made by mr Mann, as follows: 'or shall suffer imprisonment in the penitentiary for a term not less than forty years;' which was lost.

The question was then taken on the amendment proposed by mr Mann; which was lost. Yeas 18—Nays 49. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Adams, Barron, Bradley, Campbell, Clemens, Crenshaw, Davidson, Davis of B. Hall, Hill, King, Mann, McMillion of B. Mitchell, Norris, Strode, Walker of L. and Winston of S.

Those who voted in the negative, are messrs Speaker, Adrian, Alexander, Cobb, Davenport, Davis of A. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Griffin of M. Griffin of S. Hale, Hughs, Hunter, Inge, Jemison, Jones, Kelly, Langdon, Little, Mallard, Marchbanks, McClanahan, McGill, McMillion of J. Moore of mad. Moore of marion, Morris, Norwood, Perkins, Peters, Peterson, Prince, Reynolds, Roberts, Russell, Saunders, Shanks, Smith of J. Smith of L. Spruill; Walker of B. Wilson, Winston of DeK. Womack, Wynn and Young.

Mr McClanahan moved to amend by striking out the word 'by,' where it occurs in the fifteenth section, and second line, with a view of inserting the words 'death or;' which was lost.

Mr Davis of L. moved to amend by inserting the words, 'over fifteen years of age,' in the fifteenth section; which was lost.

Mr Reynolds moved to amend the sixteenth section, by striking out the word 'ten' and inserting the word 'fifteen;' which was lost.

Mr Reynolds moved further to amend the sixteenth section, by striking out the words 'without her consent;' which was lost.

Mr Shanks moved to strike out section 'thirty.'

Mr Inge moved to amend by striking out all after the word 'eye,' to the word 'and,' in said section; which was lost. Yeas 27—Nays 29. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Alexander, Campbell, Clemens, Cobb, Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Griffin of M. Hale, Hall, Hill, Inge, King, Mann, Marchbanks, Mitchell, Moore of marion, Norris, Perkins, Reynolds, Roberts, Walker of B. Wilson, Winston of S. and Wynn.

Those who voted in the negative, are messrs Speaker, Adrian, Barron, Bradley, Crenshaw, Davenport, Davidson, Davis of A. Houston, Hughs, Hunter, Jemison, Jones, Kelly, Little, Mallard, McClanahan, McGill, McMillion of J. Moore of mad. Morris, Peters, Russell and Saunders.

Mr Moore of mad. moved to strike out the word 'seven' in the eighteenth section.

Mr Reynolds moved to adjourn until ten o'clock to-morrow; which was carried.

And then the House adjourned.

TUESDAY, January 5, 1841.

The *H*ouse met pursuant to adjournment.

Mr Davenport presented the petition of sundry citizens of Marengo county; which was read and referred to the committee on propositions and grievances.

Mr Hill from the committee on accounts, to which was referred the bill from the Senate to compensate Little & Hopkins, reported the same without amendment. The bill was read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

Mr McMillion of B. from the committee on enrolled bills, reported as correctly enrolled,

An act to provide for the authentication of the record of the circuit court of Mobile in certain cases:

An act for the benefit of the tax collectors of Marshall county:

The joint resolutions authorizing the Governor to cause gold medals to be made and presented to Miss Mary McKerley and Sisters:

Preamble and joint resolutions of the General Assembly of the State of Alabama in relation to the establishment of a land districts in the Cherokee nation.

Mr Walker of B. offered the following resolution:

Resolved, That when the House adjourns each evening, it will adjourn to meet at seven o'clock, at night, for the purpose of taking up the orders of the day, which are not made a special order of the day for each day.

Mr Winston of S. moved to lay the resolution on the table; which was lost. The resolution was then adopted. Yeas 42—Nays 22. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Speaker, Adrian, Alexander, Barron, Blair, Bradley, Cobb, Crenshaw, Davenport, Dixon, Douglass, Griffin of M. Hale, Hill, Houston, Hughs, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Marchbanks, McClanahan, *M*cGill, McMillion of B. McMillion of J. Moore of Madison, Morris, Norwood, Peterson, Roberts, Saunders, Smith of J. Smith of L. Spruill, Walker of B. Walker of L. Wilson, Winston of DeK. and Womack.

Those who voted in the negative, are messrs Adams, Ashurst, Clemens, Davidson, Davis of A. Davis of B. Davis of L. Doster, Fitzpatrick, Griffin of S. and Hall.

Mr Rice introduced a preamble and joint resolutions in relation to French spoilations prior to the year 1800.

Mr McGill moved to lay the resolutions on the table; which was lost. The resolutions were then adopted. Ordered, that the same be sent to the Senate for their concurrence.

Mr Langdon introduced a bill fixing the time of election and tenure of office of the inspectors of tar, turpentine, bagging, rope, &c.; which was read the first and second time, and referred to a select committee, consisting of messrs Langdon, Moore of Mad. and Hollinger.

Mr Jemison from the select committee, to whom was referred a bill to compel owners of slaves to keep some white person at negro quarters in this State, reported the same as inexpedient.

Mr Hall moved that the bill be indefinitely postponed; which was carried.

The Following Page(s) are Not Yet Available

**If you have a hardcopy page suitable for scanning,
LLMC would like to hear from you.**

Thank you.

**1-800-235-4446
or
llmc@llmc.com**

and considerable exposure; nor do I know of any suitable building, which can be procured upon any terms, in which they can be permanently kept. While we continue to enjoy the peace and tranquillity with which we are now favored, it may not be conceived a mater of serious importance; but I consider it due to the dignity of the State, and more especially to the safety of our people, that the means of public defence should be protected by adequate provisions.

I therefore submit the subject to your consideration, not doubting that you will dispose of it in a manner conformable to your views of propriety, and with a proper regard to the best interests of our common constituents.

(Signed) A. P. BAGBY.

Ordered, that the message lie on the table.

Ordered, that messrs Bates and Hollinger have leave of absence.

The joint resolutions in relation to the public arms being under consideration, Mr Jemison moved to fill the blank with 'not exceeding four thousand dollars;' which was carried. The bill was then read the third time and passed. Yeas 43—Nays 23. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Speaker, Adams, Alexander, Barron, Bradley, Clemens, Davenport, Davis of A. Davis of L. Dixon, Douglass, Houston, Hunter, Jemison, Jones, King, Langdon, Little, Mallard, Marchbanks, McAlpin, McClanahan, McCoy, McGill, McMillion of B. McMillion of J. Mitchell, Moore of Madison, Moores, Perkins, Peterson, Reynolds, Russell, Saunders, Smith of J. Smith of L. Spruill, Walker of B. Walker of L. Wilson, Winston of S. Wynn and Young.

Those who voted in the negative, are messrs Adrian, Ashurst, Cobb, Crenshaw, Davidson, Davis of B. Doster, Fitzpatrick, Griffin of M. Griffin of S. Hale, Hill, Hughs, Mann, Norris, Norwood, Peters, Prince, Rice, Roberts, Shanks, Stone and Womack.

Ordered, that the clerk acquaint the Senate therewith.

Ordered, that messrs McCullough and Seawell have leave of absence.

Mr Hunter introduced a bill to authorize judges of the county court of this State, to order the purchase of lands by guardians in certain cases; which was read, and ordered to a second reading.

A message from the Senate by Mr Hill, their secretary:

Mr Speaker—The Senate has passed bills of the following titles, to wit:

An act to incorporate the Mobile female benevolent society:

An act making appropriations for the payment of certain claims against the State, amended as therein shewn:

An act to provide for the payment of certain claims against the State, amended as therein shewn, which originated in the House of Representatives:

An act to take care of the Dredge Boat, and for other purposes:

An act to incorporate the town of Decatur, in the county of Morgan:

An act regulating the practice of dental surgery, and for other purposes:

An act to equalize the rate of interest charged by the State Bank and its several Branches:

An act for the benefit of Elizabeth Morris, amendatory of an act approved January 9th, 1836:

An act to amend an act entitled an act to organize and establish separate courts of chancery; which originated in the Senate: in which the concurrence of the House of Representatives is requested.

The bill to provide for the payment of certain claims against the State, as amended by the Senate, was read and referred to a select committee.

Mr Moores moved to lay the remainder of the message on the table; which was carried.

Mr Mitchell from the committee on enrolled bills, reported as correctly enrolled,

An act to incorporate the Irwinton fire hook and ladder company:

An act for the relief of Sarah A. Harris:

An act to divorce Almond Saunderson from his wife Susan Saunderson.

A message from the Senate, by Mr Gordon:

Mr Speaker—The Senate has passed a bill of the following title, to wit: An act to appoint additional commissioners for the town of Jefferson, in the county of Cherokee, and for other purposes; which originated in the Senate:

The bill from the Senate, regulating punishments under the penitentiary system being under consideration,

Mr Russell moved the following amendment, to chapter three, section thirty, to wit: to come in after the word 'eye,' in the second line, 'shall be punished by imprisonment in the penitentiary, for a term of not less than seven, and not exceeding twenty years; and every person who shall strike or cut off an ear, cut or slit, mutilate or destroy the nose or lip, or cut, tear or strike off or disable a limb or member of any other person, every such offender, and every person privy to such attempt who shall be present, aiding in the commission of such offence, shall be punished by imprisonment in the penitentiary, for a term not less than two, and not exceeding five years, at the discretion of the jury trying the same;' which was lost.

Mr Moore of Mad. moved to strike out 'seven,' where it occurs in said section, and insert the word 'two;' which was carried.

Mr Roberts moved to amend as follows, to come in at the end of section thirty: 'or by imprisonment in the county jail, not less than six nor more than twelve months, at the discretion of the jury;' which was lost.

Mr Perkins moved to amend as follows: 'except such mayhem occur in an ordinary assault and battery, in which the one charged, used neither knife, edged or pointed tool or implement;' which was lost.

Mr Jemison moved to amend by inserting the word 'important;' which was lost.

Mr Little moved to strike out the thirty first section; which was carried.

Mr Roberts moved to strike out the word mayhem, in the thirty second section; which was lost.

Mr Clemens moved to strike out the thirty third section; which was lost.

Mr Roberts moved to amend the thirty fourth section as follows: 'be imprisoned in the penitentiary or county jail, at the discretion of the jury not less than two, nor more than five years; which was lost.

Mr Winston of S. moved to strike out the word 'exceeding,' in the fourth section of the fourth chapter, for the purpose of inserting the words 'not less;' which was lost.

Mr Winston of S. moved to strike out the word 'exceeding,' where it occurs in the fifth section, and insert the words 'not less;' which was lost.

Mr Moore of Marion moved to postpone the further consideration of the bill until Friday next; which was lost. Yeas 19—Nays 39. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Barron, Bradley, Campbell, Cobb, Crenshaw, Davidson, Davis of B. Fitzpatrick, Griffin of S. Hall, Mann, Marchbanks, Moore of marion, Norris, Peters, Roberts, Shanks, Winston of S. and Womack.

Those who voted in the negative, are messrs Speaker, Adrian, Alexander, Davenport, Davis of A. Davis of L. Dixon, Douglass, Griffin of M. Hale, Hill, Hughs, Hunter, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, McAlpin, McClanahan, McGill, McMillion of J Mitchell, Moore of mad. Norwood, Perkins, Peterson, Prince, Reynolds, Russell, Saunders, Smith of J. Smith of L. Wilson and Winston of DeK

Mr Moore of marion, called the previous question. Upon a question of order, the chair decided that a member had a right to call for the reading of a bill pending and before that was taken on the previous question. From which decision, *Mr* Rice took an appeal, and the chair was sustained. Yeas 33—Neys 20. The yeas and nays being demanded.

Those who voted in the affirmative, are messrs Alexander, Barron, Bradley, Clemens, Crenshaw, Davenport, Davidson, Davis of A. Davis of L. Douglass, Fitzpatrick, Griffin of M. Griffin of S. Hale, Hall, Houston, Hunter, Jones, King, Mann, McCoy, Norris, Peters, Roberts, Russell, Shanks, Walker of L. Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are messrs Adrian, Cobb, Hill, Hughs, Jemison, Kelly, Langdon, Little, Mallard, *M*cClanahan, McMillion of J. Norwood, Peterson, Prince, Reynolds, Rice, Saunders, Smith of J. Spruill and Walker of B.

Upon a question of order, the chair decided that a motion to take the vote on the previous question, was out of order. Mr Reynolds appealed, and the decision of the chair was reversed. Yeas 24—Nays 34. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Alexander, Barron, Bradley, Clemens, Crenshaw, Davidson, Davis of B. Davis of L. Douglass, Fitzpatrick, Griffin of S. Hall, Jones, King, *M*ann, Moore of Madison, *M*oore of marion, Norris, Peters, Roberts, Russell, Wilson, Winston of S. and Wynn.

Those who voted in the negative, are Messrs Adams, Adrian, Davenport, Davis of A. Dixon, Griffin of M. Hale, Hill, Houston, Hughs, Jemison, Kelly, Langdon, Little, Mallard, Marchbanks, McClanahan, *M*cCoy, McGill, McMillion of J. Mitchell, Norwood, Peterson, Prince, Reynolds, Rice, Saunders, Smith of J. Smith of L. Spruill, Walker of B. Walker of L. and Winston of DeK.

The question then recurred on the call of Mr Moore of Marion for the previous question; which was sustained. Yeas 35—Nays 24. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adrian, Alexander, Cobb, Davenport, Davis of A. Dixon, Douglass, Griffin of *M.* Hale, Hill, Houston, Hughs, Jones, Kelly, King, Langdon, Mallard, Marchbanks, *Mc*-Clanahan, McCoy, McGill, *M*cMillion of B. Moore of madison, Moore of marion, Peterson, Rice, Saunders, Smith of J. Smith of L. Spruill, Walker of L. Winston of DeK. and Wynn.

Those who voted in the negative, are Messrs Adams, Barron, Bradley, Campbell, Clemens, Crenshaw, Davidson, Davis of B. Davis of L. Fitzpatrick, Griffin of S. Hall, Hunter, Jemison, Mann, *M*cMillion of J. Mitchell, Norris, Peters, Prince, Reynolds, Roberts, Shanks, Wilson, Winston of S. and Strode.

Mr Strode, who was absent, asked leave to have his vote recorded.

The main question was then put, 'shall the bill be ordered to a third reading?' and decided in the affirmative. Yeas 38—Nays 23.

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Cobb, Davenport, Davis of A. Douglass, Griffin of M. Hale, Hill, Hughs, Hunter, Jemison, Jones, Kelly, King, Langdon, Little, McClanahan, McCoy, McGill, McMillion of B. Moore of Madison Moore of Marion, Peterson, Prince, Rice, Russell, Saunders, Smith of J. Smith of L. Spruill, Walker of B. Walker of L. Wilson, Winston, of DeK. and Wynn.

Those who voted in the negative, are Messrs Barron, Bradley, Campbell, Clemens, Crenshaw, Davidson, Davis of B. Davis of L. Dixon, Fitzpatrick, Griffin of S. Hall, Houston, Mallard, Marchbanks, McMillion of J. Mitchell, Norris, Peters, Reynolds, Roberts, Shanks, Strode, and Winston of S.

Mr Adams moved to take from the orders of the day the bill for the final settlement of the controversy between the counties of Jackson and Marshall, touching a certain claim of the former against the latter county. The bill was then read the second and third times forthwith, and passed.

Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to alter the times of holding the circuit courts in the first judicial circuit, was read and referred to a select committee, consisting of Messrs Houston, Barron, and Jones.

The bill to amend, revise, and compile the school laws of this State, being under consideration,

Mr McClanahan moved to amend by an additional section; which was adopted.

Mr Winston of S. moved to postpone the bill indefinitely.

Mr Adrian moved the previous question.

Mr Houston moved that the House adjourn until half after three o'clock; which was carried.

And then the House adjourned.

EVENING SESSION, half after three o'clock.

The House met pursuant to adjournment.

The question to sustain the call of Mr Adrian, for the previous question on the bill to amend, revise, and compile the school laws of this State, was lost.

The question next recurred on the motion of Mr Winston of S. to postpone the further consideration of the bill indefinitely.

Mr McGill moved to postpone the bill until Saturday; which was lost.

The question again recurred on the motion to postpone indefinitely; which was lost. Yeas 12—Nays 48. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Davenport, Davis of L. Hunter, Langdon, Little, Mann, McAlpin, McCoy, McGill, Moore of Madison, Peterson, and Womack.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Alexander, Barron, Bradley, Cobb, Davidson, Davis of A. Davis of B. Dixon, Doster, Douglass, Fitzpatrick, Griffin of M. Griffin of S. Hale, Hall, Hill, Houston, Hughs, Jemison, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McMillion of B. McMillion of J. Mitchell, Moore of Marion, Morris, Norris, Norwood, Peters, Prince, Reynolds, Russell, Saunders, Smith of J. Smith of L. Spruill, Walker of B. Walker of L. Wilson, Wynn, and Young.

Mr Jemison moved to refer the bill to the committee on the State Bank; which was lost.

The question recurred on the motion to refer the bill to a select committee which was lost.

Mr Moore of Madison, moved to amend the bill by way of proviso, as follows:

Provided, That not more than the net profits of the Banks, after paying necessary expenses, and the interest on the State Bonds, shall be paid under the provisions of this act.

Which was lost· Yeas 17—Nays 44. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Davenport, Davidson, Davis of A. Davis of L. Doster, Hill, Hunter, Jemison, Langdon, Little, *M*cAlpin, McCoy, Mitchell, Moore of Madison, Perkins, Spruill, and Young.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Alexander, Barron, Bradley, Cobb, Crenshaw, Davis of B. Dixon, Douglass, Fitzpatrick, Griffin of M. Griffin of S. Hale, Hall, Houston, Hughs, Jones, Kelly, King, Mallard, Mann, McClanahan, McGill, McMillion of B. McMillion of J. Morris, Norris, Norwood, Peters, Peterson, Prince, Reynolds, Roberts, Russell, Saunders, Smith of J. Smith of L. Walker of B. Walker of L. Wilson, Womack, and Wynn.

Mr Jemison moved to amend by way of proviso, as follows:

Provided, If the payment of the appropriations herein made, or the payment of any appropriation made by this or any previous legislature shall exceed the annual nett profits of the Bank, that the capital stock of said Bank shall be lessened by the amount which the appropriation so made shall exceed the nett profits of the Bank.

Which was lost. Yeas 21—Nays 38. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Crenshaw, Davenport, Davis of A. Doster, Hill, Houston, Hunter, Inge, Jemison, Jones, Langdon, Little, McAlpin, McCoy, Mitchell, Moore of Madison, Norris, Perkins, Prince, Spruill, and Young.

Those who voted in the negative, are Messrs Speaker, Adams, Adrian, Alexander, Barron, Bradley, Cobb, Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Griffin of M. Griffin of S. Hale, Hall, Hughs, Kelly, King, Mallard, Mann, McClanahan, McGill, McMillion of B. McMillion of J. Morris, Norwood, Peters, Reynolds, Russell, Saunders, Smith of J. Smith of L. Walker of B. Walker of L. Wilson, Womack, and Wynn.

Mr Griffin of S. moved to amend by way of proviso, to come in at the end of the eighth section, as follows:

Provided, That the several teachers in making out their accounts for the commissioners be required to make it on oath.

Which was adopted.

Mr Crenshaw moved to amend as follows:

Be it further enacted, That all laws heretofore enacted making appropriations for the support of schools and valueless sixteenth sections, be, and they are hereby repealed.

Mr Walker of B. moved to reconsider the vote on the previous question; which was sustained. Yeas 31—Nays 24. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Barron, Cobb, Dixon, Douglass, Fitzpatrick, Griffin of M. Griffin of S. Hall, Hill, Hughs, Jones, Kelly, King, Mallard, M[illegible] McMillion of B. McMillion of J. Morris, Peters, Reynolds, Russell, Saunders, Smith of J. Smith of L. Walker of B. Wilson, and Womack.

Those who voted in the negative, are Messrs Bradley, Crenshaw, Davenport, Davis of A. Davis of B. Davis of L. Hall, Houston, Hunter, Inge, Jemison, Langdon, Little, Mann, McAlpin, McCoy, McGill, Mitchell, Moore of Madison, Norris, Perkins, Prince, Wynn, and Young.

The bill was then ordered to be engrossed for a third reading.

Mr *H*ouston from the select committee to which was referred the bill to alter the times of holding the circuit courts of the first judicial circuit, reported the same without amendment. The bill was read the third time and passed.

Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate changing the name of Caroline Crow, and others and making them heirs of George Paylant, of Lowndes county, and for other purposes, was read the second time.

Mr Jemison moved to amend by an additional section; which was adopted. The bill was then read the third time.

Ordered, that the clerk acquaint the Senate therewith.

And then the House adjourned until seven o'clock.

Night Session, seven o'clock.

The House met pursuant to adjournment.

Mr Cobb moved a call of the roll:

Whereupon the following members appeared and answered to their names: Messrs Adams, Adrian, Alexander, Barron, Bradley, Cobb, Crenshaw, Davenport, Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Griffin of M. Griffin of S. *H*ale, Hall, Houston, Hughs, Inge, Jones, Kelly, King, Langdon, Little, Mallard, Mann, Marchbanks, McAlpin, McClanahan, McGill, *M*cMillion of B. McMillion of J. Mitchell, Moore of Madison, Morris, Norris, Peterson, Prince, Saunders, Smith of J. Smith of L. Walker of B. Walker of L. Wilson, and Womack.

Mr Adams moved to adjourn until ten o'clock to-morrow; which was lost.

Mr Walker of B. moved a call of the House.

When the following members appeared and answered to their names: Messrs Adams, Adrian, Alexander, Barron, Bradley, Cobb, Crenshaw, Davenport, Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Griffin of M. Griffin of S. *H*ale, Hall, *H*ouston, Hughs, Inge, Jones, Kelly, King, Langdon, Little, Mallard, Mann, Marchbanks, *M*cAlpin, McClanahan, McGill, *M*cMillion of B. McMillion of J. Mitchell, Moore of Madison, Morris, Norris, Norwood, Peterson, Prince, Saunders, Smith of J. Smith of L. Spruill, Walker of B. Walker of L. Wilson, and Womack.

Ordered, that Messrs Young, Hill, and Peters, be excused for non-attendance.

The bill from the Senate for the benefit of Elizabeth *M*orris, amendatory of an act, approved January 9, 1836, was read.

Mr Langdon moved to lay the bill on the table; which was lost. Yeas 11—Nays 36. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Adams, Barron, Bradley, Crenshaw, Davenport, Davis of B. Inge, Langdon, Little, Mann and Womack.

Those who voted in the negative, are messrs Speaker, Adrian, Alexander, Cobb, Davis of L. Dixon, Douglass, Fitzpatrick, Griffin of M. Hale, Houston, Hughs, [illegible], King, Mallard, Marchbanks, McAlpin, McClanaha McGill, [illegible]onof B. McMillion of J. Mitchell, Moore of Mad. Morr Norris, Norwood, Peterson, Saunders, Smith of J. Smith of L. Sprui Walker of B. Walker of L. Wilson and Wynn.

Not a quorum present.

Mr Mann moved to adjourn until ten o'clock to-morrow; which was lost.

Mr Crenshaw moved to adjourn until twenty-five minutes after nine o'clock to-morrow morning; which was carried.

And the House adjourned for want of a quorum.

WEDNESDAY, January 6, 1841.

The House met pursuant to adjournment.

Mr Clemens, for himself and others, made the following protest:

The undersigned, members of the House of Representatives of the State of Alabama, feel it to be their duty to protest against the unjust, oppressive and unconstitutional course pursued by the majority of the House, in relation to passing the Criminal Code to its third reading. We believe that our rights,—the rights of our constituents, and the constitution of the State, have all been violated and trampled under foot. We think a precident has been established, of the most odious and dangerous character; one which ought never to be tolerated in a government like ours, and which must lead to despotism in the end. Believing this, and having resorted to every other constitutional mode to prevent this action on the part of the majority, we are constrained most solemnly to protest against the line of conduct they have felt themselves justified in pursuing. We beg leave to recapitulate briefly the facts as they occurred.

On Tuesday, the fifth of January, the criminal code was under consideration. The bill contains fifteen chapters, and had *never been read* in the House. While the clerk was reading the fourth chapter, the previous question was called. The effect of this call, when sustained under the rules of the House, is, that all debate is stopped, *and all amendments are cut off.* One of the undersigned, inquired of the Speaker, before the question was put, if he did have the right to have the bill read, before he was compelled to vote either for or against passing it, to its third reading? The Speaker decided that he had. The reading was then called for, and the clerk proceeded to read. In a few minutes however, one of the majority raised a point of order. The Speaker decided in accordance with his former decision, that a bill never having been read in the House, a member had the right to have it read before the previous question could be sustained. From this decision an appeal was taken, and the House sustained the Speaker by a vote of thirty-three to twenty. A motion was then immediately made, that the vote upon sustaining the previous question, be *now* taken. The effect of this motion was to put a stop to the reading of the bill, and if sustained, to compel members to vote for or against it without its having been read. The Speaker decided the motion out of order until the bill had been read, or the call for the reading withdrawn. From this decision an appeal was taken, and strange as it may appear, the chair was overruled by a vote of twenty-four to thirty-four.

The previous question was then sustained, and the bill ordered to a third reading. At this stage, (the third reading,) nothing can be stricken from the bill; and we are now compelled to vote upon a question involving the life, liberty and character of every citizen in the State, not only without being permitted to offer any amendments thereto, but even without the privilege of discussing its merits.

In the twenty-third section of the third article of the constitution of Alabama, we find this language:

'Sec. 23. Bills may originate in either House and be amended, altered or rejected by the other; *but no bill shall have the force of a law, until on three several days it be read in each House, and free discussion be allowed thereon*, unless in case of urgency, four-fifths of the House in which the bill shall be depending, may deem it expedient to dispense with the rule, &c.'

We would be willing to attribute the extraordinary action of the majority to ignorance of the constitutional provision we have just quoted. We would willingly suppose that they had not intentionally violated one of the plainest provisions in what has been emphatically called 'the charter of our liberties;' but we are reluctantly compelled to come to a different conclusion.

While the appeal from the decision of the Speaker was pending, one of the minority asked and obtained leave to read the twenty-third section, third article, constitution, Alabama. The section *was read*, and with a full knowledge of what it contained, the majority pursued the reckless and unwarrantable course we have stated.

It will be remembered that this bill not only provides for the punishment of penitentiary offences, but it remodels the whole criminal law of Alabama; even the petty offence of scribbling upon a public building, and other offences of even a smaller description, are punished by it. And the adoption of so serious and important a measure, without examination, without discussion, *without its having been read in the House*, is certainly calculated to strike the mind of every reflecting man with the utmost astonishment. No degree of expediency, however great, can afford a justification; and unfortunately for the majority in this case, the plea of expediency can not be successfully urged in extenuation of their conduct. They cannot undertake to say that it would be inexpedient to amend the bill, for they cannot know what amendments would have been offered; and certainly it will not be pretended that it was inexpedient to have it *read;* or that the House could vote with as much discretion when ignorant of the contents of the bill, as they could, when in possession of them.

As members of the Legislature, and as citizens of the State, in behalf of ourselves and our constituents, we protest against this unjust and tyrannical proceeding. It is according to our best judgment, unwise, impolitic, unconstitutional and dangerous to the liberty of the people. It degrades the Legislature, and affixes to the character of our State, a stain which years can never wipe away.

JER. CLEMENS of Madison,
JOHN ANTHONY WINSTON of Sumter,
WALTER H. CRENSHAW of Butler,
J. N. MANN of Barbour,
WM. T. SHANKS of Barbour,
BENJAMIN FITZPATRICK of Macon,
GERALD B. HALL,
WADE H. GRIFFIN of S.
O. M. ROBERTS of St. Clair,
DAVID E. DAVIS of Bibb,
ROBERT B. CAMPBELL of Lowndes,
CHARLES E. B. STRODE of Morgan.

*M*r Speaker laid before the House a communication from Joseph Glenn; which was read and laid upon the table.

*M*r Winston of DeK. moved to reconsider the vote taken on yesterday on the bill to regulate punishments under the penitentiary system; which was lost. Yeas 20—Nays 43. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Adams, Adriar Bradley, Clemens, Crenshaw, Davis of L. Dixon, Fitzpatrick, Griffin of S. Hall, Mann, *M*cMillion of B. *M*cMillion of J. Mitchell, Norris, Peters, Roberts, Wilson, Winston of DeK. and Winston of S.

Those who voted in the negative, are messrs Speaker, Alexander, C Davenport, Davis of A. Doster, Douglass, Griffin of M. Hale, Hill, Hughs, Hunter, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Marchbanks, McClanahan, *M*cCoy, McGill, Moore of madison, Moores, Morris, Norwood, Perkins, Peterson, Prince, Randolph, Reynolds, Rice, Russell, Saunders, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wynn and Young.

Mr Smith of L. moved that the defence of the Honorable Speaker against the protest of the minority against the passage of the general ticket bill, be entered on the journals of the House; which was carried. Yeas 42—Nays 18. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Adrian, Alexander, Clemens, Cobb, Davis of A. Davis of L. Doster, Douglass, Fitzpatrick, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Little, Mallard, Marchbanks, McAlpin, McClanahan, McMillion of B. McMillion of J. Mitchell, Moore of mad. Morris, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wilson, Winston of DeK. Winston of S. Wynn and Young.

Those who voted in the negative, are messrs Barron, Bradley, Crenshaw, Davenport, Davidson, Davis of B. Griffin of S. Hall, Hunter, Inge, Jemison, Langdon, Mann, Perkins, Peters, Peterson, Prince, and Womack.

The defence of the Speaker of the House of Representatives, against the Protest of the minority, on the passage of the General Ticket Bill.

The undersigned, the Speaker of the House of Representatives, having been wantonly and unjustifiably assailed by the minority protest, feels it a duty he owes himself, the House over which he presides, and the constituents he has the honor to represent, to place himself in his true position before the public; and fears not the decision of a just community.

Why I would ask is this most extraordinary assault made on my character? Is it to hide or mitigate the revolutionary and disorderly conduct of the minority in leaving the House?

The right of protest is secured to the minority to enable them to show their dissent to the passage of a bill by the majority; but it cannot be contended that a minority have the right in that protest to assail the presiding officer. Being thus assailed, I will content myself by giving a statement of the facts as I recollect them, and leave an enlightened community to determine the propriety of my conduct. However humble may be my pretensions, my reputation is dear to me, and I claim the right to defend it as one of my most exalted privileges.

In this protest I find myself gravely accused of showing partiality to a political friend, and denying justice to a political opponent, by granting the floor to

Mr. Winston of DeKalb when Mr. Perkins was entitled to it. The facts of the case are these, to the best of my recollection.

Mr. Moores of Marengo had concluded his speech in opposition to the general ticket bill, when Mr. Perkins arose, made some remarks, and offered an amendment to the bill as an engrossed ryder, and resumed his seat. The amendment was read by the Clerk, when Mr. Winston obtained the floor and addressed the Chair, to which I responded. The gentleman from Mobile, Mr. Bates, then rose while Mr. Winston was still up, and claimed the floor for Mr. Perkins, which he had no right to do, for Mr. Perkins had not claimed it for himself as I had heard; and Mr. Perkins was not entitled to the floor for he had resumed his seat, after he proposed his amendment, and Mr. Winston was first up afterwards.

It is a settled practice in parliamentary usage, that the gentleman who first rises and addresses the chair is entitled to the floor. Mr. Perkins however rose and insisted that he was entitled to the floor, and asked leave to withdraw his amendment. I then asked Mr. Winston if he would yield the floor to the gentleman from Tuscaloosa for the purpose he had specified, to which he replied he would not. For the purpose of settling all cavil about the member who was entitled to the floor, I put the question, shall the gentleman have leave to withdraw his amendment, which was carried, and the amendment was withdrawn. If injustice was done to any one, it was to Mr. Winston, to whom I am accused of having shown partiality. After the amendment was withdrawn Mr. Winston being entitled to the floor, proceeded with some remarks, no person making any objection; and I never knew until the appearance of this protest of the minority, that any member questioned his right to the floor, after the amendment was withdrawn. If the right of Mr. Winston to the floor had been questioned, why I would ask in all justice was it not done at the time, and the parliamentary course pursued in taking an appeal from the decision of the chair? But this parliamentary course has not been pursued, but reserved for a protest, claimed as a constitutional right. Strange beyond a parallel! If the right of protest was secured by the framers of the Constitution, to enable a minority to assail the presiding officer, I must confess I have not properly construed that sacred instrument.

The clause of the Constitution securing the right of protest is in these words: "Any member of either House shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons of dissent entered on the journals." I shall now leave the public to decide whether or not justice has been done me.

As a sworn officer of the House of Representatives I have endeavored to discharge my duty faithfully, without regard to party. In the midst of excitement and confusion, injustice may have been done some gentlemen on several occasions, and no doubt as often my political friends as opponents. To have my moral character assailed with a charge of partiality to a political friend and a denial of justice to a political opponent, I must pronounce a *calumny*, that is not sustained by the facts of the case.

R. A. BAKER,
Speaker of the House of Representatives.

A message from the Governor, by J. D. Bagby:

Sir—I have the honor to inform the House of Representatives, that Asa Parker, Esq. who was elected judge of the county court of Monroe county, declines accepting the same, and that said office is still vacant.

A. P. BAGBY.

Hon. R. A. Baker, Speaker of the House of Representatives.

Ordered, that the message lie on the table.

Message from the Senate by Mr Hill, their Secretary:

Mr Speaker—The Senate has passed bills of the following titles, which originated in the Senate, to wit:

An act to change the name of Waid Webb, and for other purposes:

An act for the relief of Wilie D. Robbins, the tax collector of Sumter county:

An act for the relief of Cynthia Anderson:

Joint resolutions of the Senate and House of Representatives of the State of Alabama, proposing to prohibit any further improvement on the Black Warrior river, above the city of Tuscaloosa:

In which the concurrence of the House of Representatives is requested.

Mr Crenshaw presented the petition of sundry citizens of Greenville, Butler county; which was read and referred to the committee on the judiciary.

The bill from the Senate to change the name of Waid Webb, and for other purposes, was read and ordered to a second reading.

The bills from the Senate, for the relief of Wilie D. Robbins, the tax collector of Sumter county: and, for the benefit of Cynthia Anderson; were read the first, second and third times forthwith, and passed. Ordered, that the clerk acquaint the Senate therewith.

The joint resolutions of the Senate and House of Representatives of the State of Alabama, proposing to prohibit any further improvement on the Black Warrior river, above the city of Tuscaloosa, was read the first time.

Mr Mallard moved to lay the bill on the table; which was lost. Yeas 27—Nays 36. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Adams, Adrian, Alexander, Barron, Clemens, Davis of A. Davis of L. Douglass, Fitzpatrick, Griffin of M. Hale, Houston, Hughs, Hunter, Kelly, King, Mallard, McClanahan, McMillion of B. McMillion of J. Moore of Mad. Morris, Rice, Roberts, Smith of L. Walker of B. and Winston of DeK.

Those who voted in the negative, are messrs Speaker, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of B. Dixon, Griffin of S. Hall, Inge, Jemison, Jones, Little, Mann, Marchbanks, McAlpin, McCoy, Mitchell, Norris, Norwood, Perkins, Peters, Peterson, Prince, Reynolds, Russell, Saunders, Smith of J. Stone, Walker of L. Wilson, Winston of S. Womack, Wynn and Young.

The resolutions were then ordered to a second reading.

Mr Winston of DeK. from the select committee to whom was referred the bill to provide for certain claims against the State, reported the same, and recommended a concurrence in the amendments of the Senate.

Mr Smith of L. moved to strike out the allowance to —— Hunt; which was lost. Yeas 19—Nays 39. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Adams, Barron, Crenshaw, Davenport, Douglass, Hughs, Jemison, Little, Mann, McAlpin, McClanahan, Mitchell, Norris, Rice, Smith of J. Smith of L. and Womack.

Those who voted in the negative, are messrs Speaker, Adrian, Alexander, Bradley, Clemens, Cobb, Davidson, Davis of A. Davis of L. Dixon, Doster, Fitzpatrick, Griffin of M. Griffin of S. Hill, Hunter, Inge, Jones, Kelly, King, Langdon, Marchbanks, McCoy, McGill, McMillion of B. *M*oore of Mad. Morris, Norwood, Peters, Prince, Reynolds, Roberts, Russell, Saunders, Stone, Walker of B. Walker of L. Wilson, Winston of DeK. and Wynn.

The amendments by the Senate were then concurred in. Ordered, that the clerk acquaint the Senate therewith.

The House resumed the consideration of the bill from the Senate regulating punishments under the penitentiary system.

Mr Roberts moved to amend by proviso, by way of engrossed ryder.

Mr Moore of Mad. moved to strike out forty-two for the purpose of inserting forty-one.

Upon a question of order, the chair decided that any member had a right to call for the reading of a bill.

Mr Moores moved to dispense with the further reading of the bill; and the chair decided the motion to be out of order—from which decision mr Moores appealed; and the Chair was sustained. Yeas 34—Nays 22. The yeas and nays being demanded.

Those who voted in the affirmative, are messrs Adrian, Clemens, Cobb, Crenshaw, Davis of B. Davis of L. Doster, Douglass, Fitzpatrick, Hall, Hill, Houston, Jemison, King, Langdon, Mallard, *M*ann, Marchbanks, McClanahan, McCoy, Moore of madison, Norris, Perkins, Peters, Prince, Reynolds, Roberts, Russell, Walker of L. Wilson, Winston of DeK. Winston of S. Womack, and Young.

Those who voted in the negative, are messrs Adams, Alexander, Bradley, Davenport, Davis of A. Griffin of M. Hale, Hughs, Hunter, Inge, Kelly, Little, McGill, McMillion of B. McMillion of J. Peterson, Rice, Smith of J. Smith of L. Spruill, Walker of B. and Womack.

Mr Mann moved to adjourn; which was lost. Yeas 16—Nays 30. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Adams, Alexander, Bradley, Davenport, Davis of B. Davis of L. Doster, Hill, Hunter, King, Mann, *M*cGill, Mitchell, Perkins, Roberts, and Russell.

Those who voted in the negative are messrs Speaker, Clemens, Cobb, Crenshaw, Davis of A. Dixon, Douglass, Fitzpatrick, Griffin of M. Hughs, Inge, Jemison, Jones, Kelly, Langdon, Mallard, Marchbanks, McAlpin, McClanahan, McMillion of B. McMillion of J. Moore of mad. Moores, Peterson, Prince, Saunders, Smith of J. Walker of B. Walker of L. and Wynn.

Mr Clemens moved a call of the House; which was lost. Yeas 9—Nays 39. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Adams, Alexander, Clemens, Crenshaw, Davis of B. Hall, Mann, McMillion of B. and Winston of S.

Those who voted in the negative, are messrs Speaker, Adrian, Bradley, Cobb, Davenport, Davis of A. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Griffin of M. Hill, Hughs, Hunter, Inge, Jemison, Jones, Kelly, Langdon, Little, Mallard, Marchbanks, McAlpin, McClanahan, McGill, McMillion of J. Mitchell, Moore of madison, Moores, Morris, Peterson, Prince, Russell, Saunders, Smith of J. Walker of B. Winston of DeK. and Wann.

Mr McGill moved to adjourn for want of a quorum; which was carried.

And then the House adjourned until three o'clock.

P. M. Session, three o'clock.

The House met pursuant to adjournment.

Mr Mitchell, from the committee on enrolled bills, reported as correctly enrolled—

An act for the promotion of the health and convenience of the City of Mobile, by the introduction of a supply of wholesome water into said city, to be used for domestic purposes, and the extinguishment of fires:

An act to fix the time of holding the circuit court of the county of Sumter:

Joint resolutions authorizing Thomas Wilson to draw and receipt for the pay of George R. Griffin, deceased, late a member of the House of Representatives from the county of Jackson:

An act for the payment of the Directors of the Bank of the State of Alabama and its several Branches, for the year 1840:

Joint resolutions of the Senate and House of Representatives in relation to certain notes therein named.

The House resumed the consideration of the bill from the Senate regulating punishments under the penitentiary system.

Mr Winston of S. moved to adjourn.

Mr Winston of S. moved to suspend the further reading of the bill.

The question recurred on the following proviso—'*Provided*, This act shall not take effect until the first day of January, one thousand eight hundred and forty-two;'—offered by mr Roberts.

Mr Moore of mad. moved to strike out 'forty-two' and insert 'forty-one.' A division of the question being called for, the motion to strike out was carried.

Mr Saunders moved to amend the amendment as follows:—'*Provided*, That the laws and provisions of this Code shall commence and become operative on the first day of July, one thousand eight hundred and forty-one, and not before; and that all offences committed before the provisions of this code shall take effect, shall be punished according to the laws now in force, and the repeal of those laws shall in no case operate a discharge and release for punishment of any offender.

Mr Jemison moved to strike out 'July' to insert 'November;' which was carried. Yeas 27—Nays 26. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Adrian, Alexander, Barron, Bradley, Clemens, Cobb, Crenshaw, Davis of B. Dixon, Doster, Fitzpatrick, Jemison, Jones, King, Langdon, Mallard, Mann, Marchbanks, McGill, McMillion of B. Mitchell, Norris, Peterson, Prince, Roberts, Winston of DeK. and Winston of S.

Those who voted in the negative, are messrs Speaker, Davenport, Davis of A. Douglass, Griffin of m. Hill, Houston, Hughs, Hunter, Inge, Kelly, Little, McAlpin, McClanahan, McMillion of J. Moore of mad. Moores, Morris, Rice, Smith of J. Smith of L. Spruill, Walker of B. Wilson and Wynn.

Mr McMillion of B. moved to reconsider the vote on mr Jemison's amendment.

Mr Saunders asked leave to withdraw his amendment; which was granted.

Mr Clemens moved to amend the amendment offered by mr Robers as follows:

'*Provided further*, That the Governor shall not issue his proclamation before the first day of November, 1841.'

A division of the question was called for, which occurred, first on striking out; which was carried.

The question then recurred on filling the blank with mr Clemens' proviso; which was lost. Yeas 25—Nays 31. The yeas and nays being demrnded,

Those who voted in the affirmative, are messrs Adrian, Alexander, Barron, Bradley, Clemens, Cobb, Crenshaw, Davis of B. Dixon, Douglass, Fitzpatrick, Houston, Jemison, Jones, King, Langdon, Mallard, Mann, Marchbanks, Mitchell, Norris, Prince, Roberts, Russell and Winston of S.

Those who voted in the negative, are messrs Speaker, Adams, Blair, Davenport, Davis of A. Doster, Griffin of m. Hill, Hughs, Hunter, Inge, Kelly, Little, McAlpin, McClanahan, McGill, McMillion of B. McMillion of J. Moore of mad. Moores, Morris, Peterson, Riee, Saunders, Smith of J. Smith of L. Spruill, Walker of B. Wilson, Winston of Dek. and Wynn.

Mr Prince moved to amend by the following: 'the Governor shall not issue his proclamation before the first day of October next; which was adopted. Yeas 31—Nays 25. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Speaker, Adrian, Alexander, Barron, Bradley, Clemens, Cobb, Crenshaw, Davis of B. Doster, Douglass, Fitzpatrick, Houston, Hughs, Jemison, Jones, King, Langdon, Mallard, Mann, Marchbanks, McGill, Mitchell, Morris, Norris, Peterson, Prince, Roberts, Saunders, Walker of L. Winston of DeK. and Winston of S.

Those who voted in the negative, are messrs Adams, Blair, Davenport, Davis of A. Dixon, Griffin of m. Hill, Hunter, Inge, Kelly, Little, McAlpin, McClanahan, McMillion of B. McMillion of J. Moore of mad. Moores, Rice, Russell, Smith of J. Smith of L. Spruill, Walker of B. Wilson and Wynn.

The amendment as amended, was then adopted.

The bill as amended, was read the third time and passed. Yeas 39—Nays 16. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs, Speaker, Adams, Adrian, Alexander, Blair, Davenport, Davis of A. Doster, Douglass, Fitzpatrick, Griffin of m. Hill, Hughs, Hunter, Inge, Jones, Kelly, King, Langdon, Little, McAlpin, McClanahan, McGill, McMillion of B. Mitchell, Moore of Mad. Moores, Morris, Peterson, Prince, Rice, Russell, Saunders, Smith of J. Smith of L. Spruill, Wilson, Winston of DeK. and Wynn.

The following members asked leave for their names to be entered in the affirmative; which was granted: Walker of L. Davis of L. Hale and McCoy.

Those who voted in the negative, are messrs Barron, Bradley, Campbell, Clemens, Cobb, Crenshaw, Davis of B. Dixon, Griffin of S. Houston, Mallard, Mann, Maachbanks, McMillion of J. Norris, Roberts, Walker of B. and Winston of S.

Ordered, that the following gentlemen have leave to enter their names in the negative: Strode, Hall and Peters.

The House then adjourned until ten o'clock to-morrow.

THURSDAY, January 7, 1841.

The House met pursuant to adjournment.

Mr Houston called up the message from the Senate.

The amendments made by the Senate to the bill making appropriations for the payment of claims against the State, were read and concurred in.

The bill from the Senate appointing additional commissioners for the town of Jefferson, in the county of Cherokee, and for other purposes, was read the third time forthwith and passed. Ordered, that clerk acquaint the Senate therewith.

The bill from the Senate regulating the practice of dental surgery, and for other purposes, was read, and on motion of mr Douglass, laid on the table.

The bill from the Senate to amend an act entitled an act to organize and establish separate courts of chancery, was read, and on motion of mr Crenshaw, was laid on the table.

The bill from the Senate to take care of the Dredge boat, and for other purposes, was read, and mr Morris moved that the bill be laid on the table.

Upon a question of order, the chair decided that on a motion to lay on the table a statement of facts in relation the bill, is out of order.

From which decision mr Morris appealed, and the chair was sustained.

The bill for the benefit of Elizabeth Morris, amendatory of an act, approved Janury 9, 1836, was read the first time.

Mr Jemison moved to postpone the bill indefinitely; which was lost. Yeas 19—Nays 44. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Ashurst, Barron, Bradley, Crenshaw, Davis of B. Hall, Inge, Jemison, Jones, Langdon, Little, Mann, Moores, Peters, Prince, Smith of L. Winston of S. and Young.

Those who voted in the negative, are messrs Speaker, Adams, Adrian, Alexander, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Griffin of M. Hill, Hughs, Hunter, Kelly, King, Mallard, Marchbanks, McAlpin, McClanahan, *M*cCoy, *M*cGill, *M*cMillion of B. *M*cMillion of J. Mitchell, Moore of Mad. Morris, Norris, Perkins, Peterson, Reynolds, Roberts, Russell, Saunders, Smith of J. Spruill, Stone, Strode, Walker of B. Walker of L. Wilson, Winston of DeK. and Wynn.

The bill was, then made the special order of the day for a second reading on to-morrow, at eleven o'clock.

Ordered, that the remainder of the message lie on the table.

Message from the Senate by mr Hill, their Secretary:

Mr Speaker—The Senate has passed bills of the following titles, to wit:

An act to secure the more speedy collection of debts against incorporated companies:

An act to authorize the judge of the county court and commissioners of roads and revenue to levy a special tax, for the building of a court house in the county of Jefferson:

An act to abolish and establish certain election precincts in De Kalb county:

Joint memorial to the Congress of the United States:

Which originated in the Senate.

The Senate has also adopted the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House on Friday, the 8th instant, at the hour of four o'clock, P. M., to elect a judge for the county court of Monroe county.

In which the concurrence of the House is requested.

Mr Mitchell from the committee on enrolled bills, reported as correctly enrolled—

An act to alter the times of holding the circuit court in the first judicial circuit:

An act to provide for the payment of certain claims against the State:

An act to compensate Little & Hopkins for passage and stores of sixty-four volunteers of Captains Martin and Taylor's company from Mobile to Demopolis and Jamestown, on board the steamer Wanderer: and,

An act for the final settlement of the controversy between the counties of Jackson and Marshall, touching a certain claim of the former county against the latter county.

The House then proceeded to the consideration of the orders of the day.

The bill making appropriations for the year 1841, was read the second time.

Mr Reynolds moved to amend by an additional section; w[illegible] adopted.

Mr Moores moved to strike out the allowance to the Comptroller of Public Accounts for clerk hire; which was carried.

Mr Hunter moved to amend by an additional section; which wa[illegible]d.

The bill was considered as engrossed, read the third time and p[illegible] Ordered, that the title be as aforesaid. Ordered, that the same be[illegible]the Senate for their concurrence.

The bill from the Senate making appropriations for the payment of certain claims against the State was read—

Mr Smith of L. moved to strike out the words 'three hundred' in the allowance to Armstead R. Thomas; which was carried.

Mr ——— moved to fill the blank with 'two hundred and ninety;' which was lost.

Mr Moores moved to fill the blank with 'two hundred and fifty;' which was lost.

Mr Moore of MAD. moved to fill the blank with 'two hundred;' which was carried.

The bill was then referred to a select committee, composed of messrs Hill, Houston and Langdon.

Mr Mitchell from the committee on enrolled bills, reported as correctly enrolled—

An act making appropriations for the payment of certain claims against the State.

The bill from the Senate equalizing the rate of interest charged by the State Bank and its several Branches was read.

Mr McClanahan moved to lay the bill on the table; which was carried.

The bill to incorporate the town of Decatur, in the county of Morgan, was read the first, second and third times forthwith, and referred to the delegation from Morgan county.

Mr. Clemens moved to lay the bill on the table; which was lost.

The bill from the Senate to abolish certain election precincts in De Kalb county and for other purposes, was read a first, second and third times forthwith, and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to authorize the judge of the county court and missioners of roads and revenues to levy a special tax for the building court house in the county of Jefferson, was read the first, second and th times forthwith, and passed. Ordered, that the clerk acquaint the Sen therewith.

The bill from the Senate to secure the more speedy collection of debts aga incorporated companies, was read and ordered to a second reading.

Joint memorial to the Congress of the United States was read the first, cond and third times forthwith, and passed.

The resolution from the Senate proposing to go into the election of a judg the county court of Monroe county, to-morrow at four o'clock, P. M., w read.

Mr. Jemison moved to postpone the resolution until to-morrow; which wa lost.

The resolution was then concurred in. Ordered, that the clerk acquaint the Senate therewith.

Mr. Hill from the select committee to which was referred the bill making appropriations for the payment of claims against the State with a view of investigating the claim of Wm. McGee, reported the same with amendment.

Mr. Jemison moved to amend the bill by an additional section; which was carried.

Mr. Inge moved to re-consider the vote on Mr. Jemison's amendment; which was carried.

Mr. Inge moved to amend by way of proviso, which was adopted.

The bill was then read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to abolish brigade encampment drills in certain brigades and divisions therein named, being under consideration:

The House adjourned until three o'clock.

Afternoon Session, three o'clock.

The House met pursuant to adjournment.

The bill from the Senate to abolish brigade encampment drills in certain brigades and divisions therein named, being under consideration:

Mr. Winston of D. moved to amend the bill by inserting after the words 'applies to the' the words 'ninth division eighteenth and ninth brigade the,' which was adopted.

The bill was then made the special order of the day for to-morrow, at half past 10 o'clock.

Message from the Senate by Mr. Hill:

Mr. Speaker—The Senate has concurred in the amendments made by the House of Representatives to the bill regulating punishment under the penitentiary system.

The Senate has also passed a bill to incorporate the town of Elyton, in the county of Jefferson, and for other purposes, which originated in the Senate.

The engrossed bill to incorporate the 'Greensboro' Lyceum, in the town of Greensboro,' was read a third time and passed.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

e bills from the Senate of the following titles, to-wit:

o change the time of holding the county court of Tallapoosa county:

o alter the time of holding the spring term of the circuit court in certain nties therein named:

To authorize the directors of the Florence bridge company to estabish rules:

To levy a special tax for the county of Morgan:

And to change the time of holding the county courts of Dallas county:

Were severally read the third time and passed. Ordered, that the clerk uaint the Senate therewith.

he engrossed bill for the re-covering of the State capitol, and for other rposes, was read the third time and passed. Yeas 33—Nays 22. The eas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Alexander, Baron, Bradley, Cobb, Davidson, Douglass, Hall, Hunter, Inge, Jemison, Jones, King, Langdon, Little, Marchbanks, McAlpin, McClanahan, McCoy, McGill, McMillion of B. McMillion of J. Mitchell, Moore of Madison, Moores, Prince, Reynolds, Saunders, Smith of J. Spruill, Wynn and Young.

Those who voted in the negative, are Messrs Adrian, Crenshaw, Davis of A. Davis of B. Davis of L. Dixon, Doster, Griffin of m. Hale, Hill, Hughs, Kelly, Mann, Morris, Norris, Roberts, Russell, Smith of L. Stone, Walker of B. Wilson and Winston of DeK.

Mr. Baker moved to reconsider the vote heretofore taken on the bill from the Senate to abolish and establish certain election precincts in DeKalb county, and for other purposes.

Mr. Reynolds moved to amend the bill by way of engrossed ryder; which was adopted.

Mr. McMillion of B. moved to amend by way of engrossed ryder; which was adopted.

Mr. Reynolds moved to amend the caption of the bill by adding after the word 'county' 'and for other purposes;' which was adopted.

The bill as amended was then read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr. Hill their secretary:

Mr Speaker—The Senate has adopted the following resolution:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the door keepers of their respective Houses, proceed to illuminate the Capitol on the night of the eighth of January, 1841, in commemoration of the distinguished victory achieved by the American arms, near the city of New Orleans, on the eighth day of January, in the year of our Lord, one thousand eight hundred and fifteen.

In which the concurrence of the House is requested.

Mr Walker of L. moved to lay the resolution on the table; which was carried.

The bill to enlarge the powers of the State Bank and its several branches, in securing their debts, and to authorize them to appoint bank marshals in certain cases, was read.

Mr Smith of L. moved to postpone the bill until Saturday evening eleven o'clock; which was lost.

Mr Moores moved to refer the bill to a select committee; which was c
Whereupon messrs Moores, Moore and Prince were appointed said comm

The bill from the Senate to incorporate the town of Elyton, in the co
of Jefferson, and for other purposes, was read the first, second and third
and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill for the improvement of that portion of the Tombeckbee ri
above its junction with the Warrior, not heretofore embraced in any ac
the improvement of the Bigby river, was read the second time, and refe
to the delegation from Pickens county.

The resolution from the Senate proposing to illuminate the Capitol o
night of the eight of January, instant, was read and adopted. Ordered, t
the clerk acquaint the Senate therewith.

The engrossed bill to wind up the Courtland land office, was read the th
time and passed. Ordered, that the title be as aforesaid. Ordered, that t
same be sent to the Senate for their concurrence.

Mr Mitchell, from the committeee on enrolled bills, reported as correctl
enrolled, an act to incorporate the *M*obile Female Benevolent society.

The bill concerning a turnpike road therein named, was read the second tim
and referred to the delegations from Coosa and Talladega counties.

The bill from the Senate to change the name of Waid Webb, and for other
purposes, was read the second and third times forthwith and passed. Ordered,
that the clerk acquaint the Senate therewith.

The bill to repeal an act, approved, January seventh, 1835, authorizing George S. Massey & Co. to turnpike a certain road therein named, was read.

Mr Adams moved that the further consideration of the same be indefinitely postponed; which was lost. Yeas 25—Nays 25. The yeas and nays being demanded,

Those who voted for in the affirmative, are messrs Speaker, Adams, Barron, Cobb, Crenshaw, Davidson, Davis of A. Davis of B. Hall, Hill, Mann, McCoy, McMillion of B. McMillion of J. Mitchell, Norris, Prince, Reynolds, Ri[illegible] Roberts, Smith of L. Stone, Walker of B. Wilson and Wynn.

Those who voted in the negative, are messrs Adrian, Alexander, Davis of L. Doster, Douglass, Griff[illegible]m. Hale, Hughs, Hunter, Inge, Jones, King, Langdon, Little, Marchbanks, *M*cAlpin, *M*cClanahan, McGill, Moores, Peters, Saunders, Smith of J. Spruill, Walker of L. and Young.

Not a quorum present.

The bill was then indefinitely postponed.

Mr Spruill, from the select committee, to which was referred a bill to improve that portion of the Bigby, above its junction with the Warrior, reported the same with amendments. The bill was read and ordered to a third reading.

The bill to incorporate the Marion female assocation, was read the second time, considered as engrossed, read the third time and passed. Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

The bill from the Senate to incorporate a female academy in the town of [illegible] Perry county, was read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

Langdon, from the select committee, to which was referred a bil[illegible]ing e of election and tenure of office of inspectors of tar, turpentine, bagging, &c., reported the same with sundry amendments; in which the House con- l. The bill was considered as engrossed, read the third time and passed. dered, that the caption be so amended, as to read after, '&c.' 'the city of bile.'

rdered, that the title be as aforesaid. Ordered, that the same be sent to Senat[illegible] ir concurrence.

Moores, from the select committee, to which was referred the bill to e the powers of the State Bank and its several branches, in securing debts, and to authorize them to appoint bank marshals in certain cases, orted the same with amendments.

Mr Adams moved to lay the bill and amendments on the table; which was .

Mr Adams moved to postpone the further consideration of the bill and nendments indefinitely.

*M*r Perkins moved to adjourn until ten o'clock to-morrow; which was rried.

And then the House adjourned.

FRIDAY, January 8, 1841.

The House met pursuant to adjournment.

Ordered, that messrs Blount, Shanks and Moore of Marion, have leave of absence, for the remainder of the session.

Mr Inge offered the following resolution:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That his Excellency, the Governor, shall appoint one of the penitentiary commissioners to act as Warden of the penitentiary, until the next session of the General Assembly of this State, who shall receive no other compensation than as commissioner of said penitentiary;

Which was read the first, second and third time forthwith and passed. Yeas 40—Nays 11. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Speaker, Alexander, Clemens, Cobb, Davidson, Davis of L. Doster, Douglass, Griffin of m. Griffin of S. Hall, Hunter, Inge, Jemison, Jones, King, Langdon, Mallard, Marchbanks, McAlpin, *M*cClanahan, McCoy, *M*cGill, McMillion of J. Moore of mad. Moores, Morris, Norris, Perkins, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Walker of L. Winston of DeK. Wynn and Young.

Those who voted in the negative, are messrs Adams, Adrian, Crenshaw, Davis of A. Davis of B. Fitzpatrick, Hill, Hughs, Mann, *M*cMillion of B. Peters, Spruill and Walker of B.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Langdon presented the petition of John Bartlett and others; whi[illegible] read the first time.

Mr Saunders moved to lay the petition on the table; which [illegible]

*M*r Moore of Madison, from the committee on the State Ban[illegible] was referred a bill in relation to the resumption of specie paym[illegible]

Bank of the State of Alabama and its several branches, and for other pu
reported a substitute; which was read and adopted.

Mr Moore of Madison moved to amend by an additional section; whic
carried.

Mr Winston of DeK. moved to amend by way of proviso, as follows:

Provided, That the suspension of specie payments shall not extend bey
the first day of July, 1842.

Mr Davis of L. moved to strike out 'two' to insert 'one;' which was lost.

The amendment was then lost.

Mr Saunders moved to strike out 'one' for the purpose of inserting 'fi
in the second section; which was lost.

The bill was read the third time and passed. Ordered, that title be as af
said. Ordered, that the same be sent to the Senate for their concurrence.

A message from the Senate by *Mr* Hill, their secretary.

Mr Speaker—The Senate has passed bills of the following titles, whi
originated in the House of Representatives:

An act to wind up the Courtland land office:

An act making appropriation for the payment of certain claims against th
State, amended as therein shown:

An act to divorce Lucy Waller from John Waller:

Joint memorial in relation to French spoliations:

An act to amend an act entitled an act to ascertain and fix a permanent county site for the county of Covington:

An act changing the name of Caroline Crow and others, and making them heirs of George Pylant, of Lowndes county, and for other purposes:

Also, joint resolutions in relation to the public arms, amended as therein shewn:

Joint resolutions of the Senate and House of Representatives of the State of Alabama, authorizing the Governor to appoint a suitable person to take care of the penitentiary buildings, if necessary:

Joint resolutions of the Senate and House of Representatives of the State of Alabama, requiring the attorney general to perform certain things therein specified; which originated in the Senate: and in which the concurrence of the House of Representatives is respectfully requested.

The Senate has also concurred in the amendments made to their bill making appropriation for the payment of certain claims against the State.

The Senate has also passed joint resolutions of the General Assembly, sanctioning the suspension of specie payments by the State Bank and the several Branches thereof: which originated in the Senate.

The Senate has concurred in the amendments made by the House of Representatives to the bill entitled an act to abolish and establish certain election precincts in DeKalb county, and for other purposes, and has amended the amendment of the House of Representatives, as therein shown: in which they ask the concurrence of the House of Representatives.

The Senate has also concurred in the resolution of the House of Representatives, proposing that the two Houses of the General Assembly will adjourn *sine die*, on Saturday the ninth instant.

The Senate has passed a bill making appropriations for the year one thousand undred and forty-one; which originated in the House of Represen-

question recurred on the indefinite postponement of the bill to enlarge owers of the State Bank and its several branches, in securing their debts, o authorize them to appoint bank marshals in certain cases.

r Saunders moved to postpone the bill until to morrow, four o'clock; ch was catried. Yeas 39—Nays 18. The yeas and nays being de- ded,

hose who voted in the affirmative, are Messrs Speaker, Adams, Alex- r, Cobb, Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Griffin . Hill, Hughs, Kelly, King, Mallard, Mann, Marchbanks, McAlpin, Clanahan, McCoy, McMillion of B. Mitchell, Morris, Norris, Peters, berts, Russell, Saunders, Smith of J. Smith of L. Strode, Walker of B. lker of L. Wilson, Winston of De Kalb, Winston of Sumter, Wynn and ung.

Mr McGill, from the committee on enrolled bills, reported as correctly en- lled,

An act for the relief of Cynthia Anderson:

An act making appropriations for the payment of certain claims against the ate:

An act to appoint additional commissioners for the town of Jefferson, in the ounty of Cherokee, and for other purposes:

An act for the relief of Willie D. Robbins, tax collector for the county of Sumter.

The bill for the payment of certain claims against the State, was read and referred to a select committee, composed of Messrs ——— ——— ———

Joint resolutions from the Senate, authorizing the Governor to appoint a suitable person to take care of the penitentiary buildings, if necessary; was read and laid on the table.

Joint resolutions requiring the attorney general to perform certain things therein specified, was read the first and second times forthwith, and referred to a select committee.

Mr Mitchell, from the committee on enrolled bills, reported as correctly enrolled,

An act making appropriations for the year one thousand eight hundred and forty-one:

Joint resolutions in relation to the public arms, as amended by the Senate, was read and the amendments concurred in.

Joint resolutions from the Senate, sanctioning the suspension of specie payments by the State Bank and the several Branches, was read. Mr Moores moved to lay the resolutions on the table; which was carried.

The joint memorial in relation to French spoliations, as amended by the Senate, was read and the amendments concurred in.

The bill from the Senate, to abolish and establish certain election precincts in DeKalb county, and for other purposes, as amended by the Senate, was read and the amendments concurred in.

The bill from the Senate, more effectually to inforce the performance of the duties of sheriffs in certain cases, was read the first and second times forthwith, and passed.

Ordered, that the clerk acquint the Senate therewith.

Mr Moores from the select committee to which was referred the bill con cerning a certain turnpike road therein named, reported the same with amendment. The bill was read a third time and passed.

Ordered, that the title be as aforesaid, and that it be sent to the Sen for their concurrence.

The bill to authorize the rescinding a certain contract therein named, w read the third time and passed.

Ordered, that the title be as aforesaid, and that it be sent to the House Representatives for their concurrence.

Mr Moore of mad. from the select committee to which was referred the bi making appropriation for the payment of certain claims against the State, re ported the same back to the House.

The House disagreed to the amendments by the Senate in relation to di rectors of the Branch Bank at Huntsville.

They also disagree to the amendments making allowance to messrs Dawner and Spoors.

*M*r Morris moved to amend by an additional section; which was adopted.

Mr Strode from the select committee to which was referred the bill to incorporate the town of Decatur in the county of Morgan, reported the same without amendment. The bill was read the third time and passed.

Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to incorporate the Central Seminary in the county of Autauga, was read the third time and passed.

Ordered, that the clerk acquaint the Senate therewith.

Ordered, that the orders of the day be suspended generally.

The bill from the Senate to compensate Jefferson Buford for sending express with despatches in relation to State service, to General Wellborn, was read the third time and passed.

Ordered, that the clerk acquaint the Senate therewith.

The engrossed bills of the following titles, to wit:

An act to compensate James N. Hayden:

An act to incorporate the town of Franklin: and,

An act concerning county court judges:

Were severally read the third time and passed.

Ordered, that their titles be as aforesaid, and that they be sent to the Senate for its concurrence.

The House adjourned until three o'clock, p. m.

P. M. Session, three oclock.

The House met pursuant to adjournment.

The bill to abolish brigade encampment drills in certain brigades and divisions therein named, was read.

Mr Moore of mad. moved to amend the bill by way of engrossed ryder; which was adopted. Yeas 33—Nays 16. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Adams, Adrian, Alexander, Blair, Cobb, Crenshaw, Davis of L. Douglass, Fitzpatrick, Griffin of M. Hall, Hill, Hughs, Inge, Kelly, Mallard, Mann, Marchbanks, McClanahan, *M*cCoy, *M*cMillion of B. *M*cMillion of J. Roberts, Russell, Saunders, Smith

L. Spruill, Walker of B. Walker of L. Wilson, Winston of DeK. Wynn nd Young.

Those who voted in the negative, are messrs Speaker, Davis of A. Davis B. Doster, Jemison, Jones, Langdon, McAlpin, *M*oore of mad. *M*oores, rris, Norris, Perkins, Peters, Prince, and Reynolds.

Not a quorum. The bill was then read a third time.

The bill to provide for the election of members to Congress, was read a send time.

Mr ——— moved to suspend the rule requiring bills to be read on three veral days; which was lost for want of a quorum.

Yeas 31—Nays 19. The yeas and nays being demanded, those who oted in the affirmative, are messrs Speaker, Adams, Adrian, Alexander, obb, Davis of A. Davis of L. Dixon, Douglass, Griffin of *M.* Hale, Hill, ughs, Kelly, *M*allard, Marchbanks, McClanahan, McMillion of B. McMilon of J. Moore of mad. Morris, Reynolds, Roberts, Russell, Saunders, mith of L. Walker of B. Walker of L. Wilson, Winston of DeK. Winton of S.

Those who voted in the negative, are Messrs Crenshaw, Davis of B. Doser, Fitzpatrick, Hall, Hunter, Inge, Jemison, Langdon, Mann, *M*cAlpin, Coy, Mitchell, *M*oores, Norris, Perkins, Prince, Spruill, and Young.

The bill to amend the act for the benefit of the settlers on public lands, was read.

Mr Rice moved to suspend the rule requiring bills to be read on three several days, which was carried. Yeas 35—Nays 18. The yeas and nays being demanded,

Those who voted in the affirmative, Messrs Speaker, Adams, Adrian, Alexander, Blair, Cobb, Davis of A. Davis of L. Dixon, Douglass, Griffin of m. Hale, Hill, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McMillion of B. McMillion of J. Moore of madison, Morris, Reynolds, Roberts, Russell, Saunders, Smith of B. Walker of B. Walker of L. Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are Messrs Crenshaw, Davis of B. Doster, Fitzpatrick, Hall, Inge, Jemison, Langdon, Mann, McAlpin, McCoy, Mitchell, Moores, Norris, Perkins, Prince, Spruill and Young.

The bill was considered as engrossed, read the third time and passed.

To bill to abolish brigade encampment drills in certain brigades and divisions therein named, was taken up and passed. Yeas 33—Nays 21. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Speaker, Adams, Adrian, Blair, Davis of A. Davis of B. Davis of L. Dixon, Doster, Griffin of m. Hale, Hill, Hughs, Kelly, *M*archbanks, McClanahan, McCoy, Mc*M*illion of B. Moore of madison, Morris, Prince, Reynolds, Roberts, Russell, Saunders, Smith of J. Strode, Walker of B. Wilson, Winston of DeK. Winston of S. Wynn and Young.

Those who voted in the negative, are messrs Alexander, Cobb, Crenshaw, Douglass, Fitzpatrick, Hall, Inge, Jemison, Jones, King, Langdon, Mallard, Mann, McAlpin, McMillion of J. Mitchell, Moores, Norris, Perkins, Smith of L. and Spruill.

On motion of mr Jones,

Resolved, That the Senate be invited into the Hall of the House of Representatives, for the purpose of going into the election of a judge of the county court of Monroe county.

Whereupon the Senate repaired to the hall of the House and were seated. mr President arose and announced the object of the convention of the two houses.

The two houses then proceeded to the election of a judge for the county court of *M*onroe county—*M*essrs Jacob Pearson and Richard Withers, being in nomination.

Those who voted for mr Pearson, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Ross, Toulmin, Turner, and Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Blair, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Griffin of m. Hill, Hughs, Jones, King, Mallard, *M*archbanks, *M*cClanahan, McMillion of B. McMillion of J. Moore of mad. Morris, Reynolds, Roberts, Russell, Saunders, Smith of J. Smith of L. Spruill, Strode, Walker of B. Walker of L. Wilson, and Wynn, of the House of Representatives—52.

Those who voted for mr Withers, are messrs Dent, and Thornton, of the Senate; messrs Crenshaw, Davis of B. Doster, Hall, Inge, Jemison, Mann, McCoy, Mitchell, Moores, Norris, Perkins, Peterson, and Young, of the House of Representatives—16.

Mr Pearson, having received a majority of all the votes given, Mr Speaker declared him duly elected judge of the county court of Monroe county, for the term prescribed by law.

The Senate then withdrew.

Mr Smith of L. from the select committee to which was referred the joint resolutions requiring the attorney general to perform certain things therein specified, reported the same with sundry amendments, in which the House concurred. The resolutions as amended were then adopted.

Ordered, that the clerk acquaint the Senate therewith.

The bill to amend an act entitled, an act to establish a board of commissioners for the improvement of the navigation of the Black Warrior river, and for other purposes, approved Feb. 1st, 1839.

Mr Perkins moved to amend by an additional section; which was adopted.

Mr Perkins moved further to amend.

Message from the Governor, by J. D. Bagby:

Mr Speaker—I am instructed by His Excellency, the Governor, to inform your honorable body that he has approved and signed bills of the following titles:

An act to provide for the payment of certain claims against the State:

An act making appropriation for the payment of certain claims against the State:

An act to incorporate the Mobile female benevolent society:

An act making appropriations for the year one thousand eight hundred and forty-one.

Which originated in the House:

Mr Blair from the committee on enrolled bills, reported as correctly enrolled:

An act changing the name of Caroline Crow, and others, and making them heirs of George Pylant, of Lowndes county, and for other purposes:

An act to divorce Lucy Waller from John Waller: and

An act to ascertain and fix the permanent county site for the county of Covington.

The House resumed the consideration of the amendment proposed by Mr Perkins to the bill to amend an act entitled, an act to establish a board of commissioners for the improvement of the navigation of the Black Warrior river, and for other purposes, approved February 1, 1839.

The question recurred on the amendment. Yeas 27—Nays 21. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Speaker, Blair, Cobb, Davis of B. Doster, Hall, Hill, Inge, Jemison, Jones, Langdon, McAlpin, McCoy, McMillion of J. Mitchell, Moores, Perkins, Peters, Prince, Reynolds, Roberts, Russell, Spruill, Walker of B. Walker of L. Wynn, and Young.

Those who voted in the negative, are Messrs Adrian, Alexander, Crenshaw, Davis of A. Davis of L. Douglass, Fitzpatrick, Griffin of M. Hughs, Mallard, Mann, Marchbanks, McClanahan, McMillion of B. Moore of madison, Morris, Saunders, Smith of J. Smith of L. Wilson, and Winston of S.

Not a quorum.

The House then adjourned until ten o'clock to-morrow.

SATURDAY, January 9, 1841.

The House met pursuant to adjournment.

Mr Inge from the committee on propositions and grievances, to which was referred the petition of Joseph Floyd, and others of the county of Marengo, reported that it is inexpedient to legislate at this time, on the subject. In which the House concurred.

Mr Saunders from the committee on the judiciary, made the following report: The committee on the judiciary ask leave to report back to the House the following bills and resolutions, as unfinished business, and to ask to be discharged from their further consideration;

Resolutions from Vermont on the subject of limiting the term of the Presidency:

A bill to amend the laws concerning judicial attachments:

Petition of E. H. Pickens, and others:

Bill for the further prosecution of crimes:

So much of the Governor's message as relates to the penitentiary code:

An act for the relief the congregational church:

Resolutions proposing a change in the constitution:

Bill to prevent office-holders from holding office in this State:

Resolution as to the expediency of discriminating taxes:

Petition as to notice on sheriffs:

An act for the prevention of frauds:

An act in relation to practicing physicians:

An act in relation to garnishments;

Petition of the inhabitants of Greensborough, for amendments of the charter thereof:

Joint resolutions of the General Assembly:

The petition of John Tomey of Sumter county:

Act to explain the laws concerning injunctions: and

A petition of Edward Pipen *et als.* of Greene county.

Message from the Senate, by Mr Hill, their Secretary:

Mr Speaker—The Senate insists upon its amendment made to the bill from the House of Representatives to be entitled, an act making appropriation for the payment of claims against the State, so far as relates to striking out the second section of the bill. The Senate recedes from its amendment to the bill so far as relates to the amendment of the Senate striking out the appropriation made to Thomas M. Dawner.

The Senate insists upon its amendment to the bill so far as relates to the striking out the appropriation of David S. Spoor.

The Senate also disagrees to the amendment made by the House of Representatives in relation to the appropriation of John *M.* Cooper.

The Senate has also concurred in the amendment of the House to the bill to abolish brigade encampment drills.

The Senate has passed bills of the following titles, which originated in the House of Representatives:

An act to amend an act entitled an act, to incorporate the town of Franklin, in the county of *Macon*, approved December 23, 1837:

An act to incorporate the Marion female association:

An act fixing the time of election, and the tenure of office of inspectors of tar, turpentine, bagging, rope, &c. in the city of *Mobile*:

An act to incorporate the Greensborough Lyceum, in the town of Greensborough:

The Senate has passed a bill which originated in the Senate as follows, to wit:

An act authorizing Lydia Harberson to adopt Elizabeth Smith as her heir at law:

In which the concurrence of the House of Representatives is requested.

The House receded from its disagreement to the amendment of the Senate, striking out the appropriation to David S. Spoor; but insisted to the amendment making an appropriation for John M. Cooper.

Ordered, that the clerk acquaint the Senate therewith.

Mr Blair from the committee on enrolled bills, reported as correctly enrolled—

An act entitled an act, to authorize the rescinding a certain contract therein named:

An act entitled an act to compensate Jefferson Buford for sending express with despatches in relation to State service to General Wellborn:

An act to incorporate the town of Decatur, in the county of Morgan:

An act entitled an act concerning county court judges:

An act entitled an act more effectually to enforce the performance of the duties of sheriffs in certain cases:

An act entitled an act concerning a certain turnpike road therein named:

An act entitled an act to incorporate Central Seminary, in the county of Autauga;

An act to incorporate the Marion Female Association:

An act to amend an act entitled an act to incorporate the town of Franklin, in the county of Macon, approved December 23d, 1837:

An act fixing the time of election and the tenure of office of inspectors of tar, turpentine, bagging, rope, &c. in the city of Mobile:

An act to incorporate the Greensborough Lyceum, in the town of Greensborough:

A bill to be entitled an act making appropriations for the payment of certain claims against the State:

Joint resolutions of the Senate and House of Representatives requiring the attorney general to perform certain things therein specified:

An act to abolish brigade encampment drills in certain brigades and divisions therein named: and,

An act to abolish and establish certain election precincts in De Kalb county, and for other purposes.

Message from the Senate, by MR Hill:

Mr Speaker—The Senate has concurred in the amendments made by the House to the joint resolution requiring the attorney general to perform certain things therein specified.

Mr Jones from the committee on accounts, to which was referred the petition and claim of Wm. W. Garrard, reported a bill for the relief of Wm. W. Garrard; which was read and ordered to a second reading.

Message from the Senate, by Mr Hill:

Mr Speaker—The Senate has adopted the following resolution:

Resolved by the Senate, That the House of Representatives be requested to return a bill making appropriations for certain claims against the State.

In which the House concurred. Ordered, that the clerk return the bill.

Message from the Senate, by Mr Hill:

Mr Speaker—The Senate recedes from its amendments to which the House disagreed, to the bill making appropriations for the payment of certain claims against the State. And insists upon its disagreement to the amendment of the House in relation to the appropriation made to John M. Cooper.

The House receded from its amendment making an appropriation to John M. Cooper. Ordered, that the clerk inform the Senate.

Message from the Senate, by Mr Hill, their Secretary:

Mr Speaker—The Senate has adopted the following resolution:

Resolved, That a committee of three members of the Senate be appointed to act jointly, with such committee as are, or may be appointed on the part of the *House* of Representatives, to wait on His Excellency, the Governor, and inform him that the two Houses have completed the business before them, and are now ready to adjourn *sine die*, if he has no further communication to make to them.

Messrs *Mc*Vay, Terry, and Thornton, have been appointed said committee on the part of the Senate.

The House concurred in the resolution, and Messrs McClanahan of M. Reynolds, and Douglass, were appointed said committee on the part of the House.

Ordered, that the clerk acquaint the Senate therewith.

Message from the Governor, by J. D. Bagby:

Mr Speaker—I am instructed by His Excellency, the Governor, to inform your honorable body, that he has approved and signed the following bills, to wit:

An act to wind up the Courtland Land Office: and

Joint resolutions in relation to the public arms:

Both originated in the House:

An act fixing the time of electing and the tenure of office, of inspectors of tar, turpentine, bagging, rope, &c. in the city of Mobile:

An act to amend an act entitled an act to incorporate the town of Franklin in the county of Macon, approved December 23, 1837:

An act to incoporate the Marion female association:

An act to incorporate the Greensborough Lyceum in the town of Greensborough.

Mr McClanahan from the select committee appointed on the part of the House to act with the committee of the Senate, in waiting on the Governor, &c. made the following report:

The select committee appointed on the part of the House to act with the committee on the part of the Senate, to wait on His Excellency, the Governor, and inform him that the two Houses of the General Assembly have disposed of the business before them, and are now ready to adjourn *sine die*, if he has no further communication to make to them, report: That the committee have discharged the the duties assigned them, and received for answer, that His Excellency has no further communication to make.

Message from the Senate, by Mr Hill:

Mr Speaker—I am instructed by the Senate to inform the House of Representatives that they have finished all the business before them, and that they are now ready to adjourn *sine die*.

Mr Saunders offered the following resolution:

Resolved, That the thanks of this House be tendered to the Hon. ROBERT A. BAKER, Speaker of the House of Representatives, for the able, dignified, and impartial manner, in which he has discharged the duties of that office.

Which was unanimously adopted.

Whereupon Mr Speaker rose and said—

Gentlemen of the House of Representatives:

The time for our separation has arrived; and we are now to leave this hall of legislation, and return to the more peaceful and tranquil scenes of our social relations.

The resolution I find on my desk, approving my deportment as your presiding officer, awakens in my bosom, sentiments of the most grateful emotion. You will permit me, gentlemen, to tender you my very sincere acknowledgments for the many manifestations you have given me of your partiality and kindness.

At the commencement of the session, it was very far from my expectation to have been called to the honorable and responsible station in which you have since placed me; and no one can regret more deeply than I do, the severe affliction of my most worthy and honorable predecessor in this chair, Col. SAMUEL WALKER, which compelled him to resign a station he filled so well—though the choice of his successor, through your kind partiality, fell upon myself.

In taking upon me the responsible duties of presiding officer of a body, so respectable and intelligent as this House, I could not but distrust my ability to meet your expectations, having been always sensible of my want of experience, and of those endowments essential to the faithful discharge of the duties of so important a station. It is to me a source of more than ordinary gratification, to know you have been kind and indulgent—ever disposed to make due allowances for my errors—and give me credit, at least, for good intentions.

The good opinion of our fellow men is to be desired by us all; and the approbation of the virtuous and intelligent ought ever to be esteemed as one of the highest rewards the public servant can merit: yet he should regard the approval of his own conscience, as something more to be desired even than this. Upon reviewing my course as your presiding officer, I feel that this high reward is mine.

The session through which we have just passed, has been [illegible] by heated party conflicts. The waves of the political ocean have been heaved high; and gentlemen on both sides, have shewn themselves on every occasion, bold, daring, and in every sense, equal to the emergency. In view of the exciting scenes that have marked our legislation on some subjects, it is only astonishing, that we should have preserved as much personal good feeling and friedship as, I trust, is now felt on the eve of separation.

Permit me, gentlemen, now to assure you, that whatever excitement as your presiding officer I may have felt, or manifested in the midst of the confusion and excitement that has surrounded me, has passed off with the occasion; and that there is no individual on this floor, of whose personal prosperity and advancement in life, it would not give me great gratification to hear.

During the past year, an unprecedented political warfare has been carried on throughout the length and breadth of our country; and the exciting scenes through which most of us have passed in obtaining seats on this floor, gave strong indications that the present was not to be a tranquil session. On this subject our anticipations and fears have been realized to an extent not again to be desired, I trust, by any one.

This evening brings our labors and excitements to a close for the present. Let [illegible] each leave this Hall with a fixed determination to quell the raging storm of party strife. While we all have but one common object and interest, the promotion, prosperity and permanency of our cherished institutions, let [illegible] merge all of the political strife of the past in one common cause, 'the greatest good of the greatest number.'

In taking leave of you gentlemen, suffer me to assure you, that I have formed attachments here that I shall delight to cherish in after years. With some of you I have mingled within these walls for the last four years, and we have consulted together, I humbly trust for the public weal. As an individual, I am about to take leave of the Halls of legislation, and return to my family and friends, to seek that repose which is not found in political strife. We now separate, in all probability never again, all of us, to meet on earth,—my prayer is that our separation shall not be final; but that we may all meet again in a brighter and better world. I bid you, gentlemen, an affectionate farewell.

Mr Speaker [illegible] pronounced the House of Representatives adjourned *sine die.*

R. A. BAKER,
Speaker of the House of Representatives.

ATTEST:

T[illegible]ll,
[illegible] of the House of Representatives.